

# JOURNALS

OF THE

## LEGISLATIVE ASSEMBLY

OF THE

### TERRITORY OF UTAH,

OF THE

### ELEVENTH ANNUAL SESSION,

FOR THE YEARS 1861-62.

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THE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF ONTARIO

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NAMES OF THE OFFICERS AND MEMBERS  
OF THE  
LEGISLATIVE ASSEMBLY  
OF THE  
TERRITORY OF UTAH,  
WITH THE  
STANDING COMMITTEES.

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ELEVENTH ANNUAL SESSION 1861-62.

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OFFICERS OF THE COUNCIL.

*President*—DANIEL H. WELLS.  
*Secretary*—THOS. W. ELLERBECK.  
*Assistant-Secretary*—PATRICK LYNCH.  
*Sergeant-at-Arms*—JOHN SMITH.  
*Messenger*—SAMUEL L. SPRAGUE.  
*Foreman*—ROBERT PIERCE.  
*Chaplain*—JOSEPH YOUNG.

MEMBERS:

*Great Salt Lake, Tooele and Shambip Counties:*

DANIEL H. WELLS, WILFORD WOODRUFF,  
ALBERT CARRINGTON, DANIEL SPENCER,  
FRANKLIN D. RICHARDS,

*Davis County:*

JOHN W. HESS.

*Weber, Box Elder, Cache and Malad Counties:*

LORENZO SNOW, EZRA T. BENSON.

*Utah and Cedar Counties:*

LEONARD E. HARRINGTON, JAMES W. CUMMINGS.

*Juab and Sanpete Counties:*

ORSON HYDE.

*Millard and Beaver Counties:*

WILLIAM J. COX.

*Iron and Washington Counties:*

GEORGE A. SMITH.

## STANDING COMMITTEES.

— 0 —

- On Judiciary**—ALBERT CARRINGTON, L. E. HARRINGTON, GEO. A. SMITH, ORSON HYDE.
- On Claims and Appropriations**—JAMES W. CUMMINGS, W. WOODRUFF, LORENZO SNOW.
- On Petitions and Memorials**—GEO. A. SMITH, F. D. RICHARDS, O. HYDE, E. T. BENSON.
- On Revenue**—W. WOODRUFF, L. E. HARRINGTON, JOHN W. HESS, DANIEL SPENCER.
- On Elections**—EZRA T. BENSON, WM. J. COX, LORENZO SNOW.
- On Counties**—F. D. RICHARDS, JNO. W. HESS, JAMES W. CUMMINGS, A. CARRINGTON.
- On Roads, Bridges, Ferries and Kanyons**—ORSON HYDE, GEO. A. SMITH, DANIEL SPENCER, L. E. HARRINGTON.
- On Education**—LORENZO SNOW, ORSON HYDE, F. D. RICHARDS, ALBERT CARRINGTON.
- On Engrossing**—ORSON HYDE, ALBERT CARRINGTON, J. W. CUMMINGS.
- On Printing**—WILFORD WOODRUFF, E. T. BENSON, L. E. HARRINGTON.
- On Agriculture, Trade and Manufactures**—W. WOODRUFF, L. E. HARRINGTON, DANIEL SPENCER, JOHN. W. HESS.
- On Militia**—F. D. RICHARDS, ORSON HYDE, WM. J. COX.
- On Incorporations**—LORENZO SNOW, J. W. CUMMINGS, GEO. A. SMITH.
- On Library**—EZRA T. BENSON, WILFORD WOODRUFF.
- On Public Domain and School Lands**—A. CARRINGTON, LORENZO SNOW, J. W. CUMMINGS, W. J. COX.
- On Penitentiary**—EZRA T. BENSON, DANIEL SPENCER, L. E. HARRINGTON.

## MEMBERS OF THE HOUSE.

### *Great Salt Lake County:*

JOHN TAYLOR,	HOSEA STOUT,
HIRAM B. CLAWSON,	EDWIN D. WOOLLEY,
JOSEPH A. YOUNG,	JOHN V. LONG,
ALBERT P. ROCKWOOD,	JOHN M. MOODY,
HORACE S. ELDREDGE.	

### *Davis County:*

JOSEPH HOLBROOK,	THOMAS GROVER.
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### *Weber County:*

CHAUNCEY W. WEST,	AARON F. FARR.
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### *Cache County:*

PETER MAUGHAN.

### *Tooele and Shambip Counties:*

JOHN ROWBERRY.

### *Utah and Cedar Counties:*

ALBERT K. THURBER,	BENJAMIN F. JOHNSON,
LORENZO H. HATCH.	

### *Juab County:*

JONATHAN MIDGLEY.

### *Sanpete County:*

BERNARD SNOW.

### *Millard County:*

THOMAS CALLISTER.

### *Beaver County:*

EDWARD W. THOMPSON.

### *Iron and Washington Counties:*

WILLIAM CROSBY,	SILAS S. SMITH.
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### *Summit and Green River Counties:*

THOMAS RHOADS.

## OFFICERS OF THE HOUSE:

*Speaker*---JOHN TAYLOR.

*Chief Clerk*---WILLIAM CLAYTON.

*Assistant Clerk*---ROBERT L. CAMPBELL.

*Sergeant-at-Arms*---JAMES F. ALLRED.

*Messenger*---HEBER JOHN RICHARDS.

*Foreman*---FRANCIS KIRBY.

*Chaplain*---WM. W. PHELPS.

# **STANDING COMMITTEES.**

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- On Judiciary**---HOSEA STOUT, CHAUNCEY W. WEST, AARON F. FARR.
- On Claims and Appropriations**---HIRAM B. CLAWSON, EDWIN D. WOOLLEY, ALBERT P. ROCKWOOD.
- On Petitions and Memorials**---JOSEPH A. YOUNG, JOHN V. LONG, ALBERT K. THURBER.
- On Revenue**---CHAUNCEY W. WEST, HOSEA STOUT, HORACE S. ELDREDGE, JOHN M. MOODY.
- On Elections**---AARON F. FARR, SILAS S. SMITH, THOMAS RHOADS.
- On Counties**---SILAS S. SMITH, BENJAMIN F. JOHNSON, PETER MAUGHAN.
- On Roads, Bridges, Ferries and Kanyons**---BERNARD SNOW, THOMAS GROVER, THOMAS RHOADS, JOHN ROWBERRY.
- On Education**---ALBERT K. THURBER, BENJAMIN F. JOHNSON, BERNARD SNOW.
- On Engrossing**---JOHN V. LONG, JOSEPH A. YOUNG, LORENZO H. HATCH.
- On Printing**---HIRAM B. CLAWSON, THOMAS CALLISTER, JONATHAN MIDGLEY.
- On Agriculture, Trade and Manufactures**---EDWIN D. WOOLLEY, WM. CROSBY, PETER MAUGHAN, THOMAS GROVER.
- On Militia**---ALBERT P. ROCKWOOD, CHAUNCEY W. WEST, THOMAS CALLISTER, EDWARD W. THOMPSON.
- On Incorporations**---JOSEPH HOLBROOK, EDWARD W. THOMPSON, JOHN ROWBERRY.
- On Library**---LORENZO H. HATCH, EDWARD W. THOMPSON, AARON F. FARR, JOHN V. LONG.
- On Public Domain and School Lands**---HORACE S. ELDREDGE, JONATHAN MIDGLEY, JOHN M. MOODY, JOSEPH HOLBROOK, WILLIAM CROSBY.
- On Penitentiary**-----ALBERT P. ROCKWOOD, EDWIN D. WOOLLEY, LORENZO H. HATCH.



**JOURNALS**  
**OF THE**  
**LEGISLATIVE ASSEMBLY**  
**OF THE**  
**TERRITORY OF UTAH.**

—o—  
**ELEVENTH ANNUAL SESSION—1861-62.**  
—o—

**MONDAY, DECEMBER 9, 1861.**  
—

**COUNCIL.**

COUNTY COURT HOUSE, G. S. L. City, }  
Monday, Dec. 9th, 1861. }

Pursuant to law, the members elect of the Council of the Legislative Assembly met in the east room of Great Salt Lake County Court House.

Prayer by Joseph Young, sen., Chaplain of last session.

On motion of Councilor Carrington, Councilor D. H. Wells was elected President pro tem.

On motion of Councilor Harrington, Patrick Lynch was elected Secretary pro tem.

Moved by Councilor Richards that a committee on credentials be appointed. Whereupon,

The President appointed Councilors Hyde, Richards and Cummings said committee.

Councilor Hyde, chairman of committee on credentials, made the following report:

“The committee on credentials respectfully report that the following named gentlemen are legally entitled to seats in the Council

of the Legislative Assembly of the Territory of Utah at its session of 1861-2.

ORSON HYDE, Chairman of Committee.

Daniel H. Wells, Wilford Woodruff, Albert Carrington, Daniel Spencer, and Franklin D. Richards, from Great Salt Lake, Tooele and Shambip counties.

John W. Hess, from Davis County.'

Lorenzo Snow and Ezra T. Benson from Weber, Box Elder, Cache and Malad counties.

Leonard E. Harrington and James W. Cummings, from Utah and Cedar counties.

Orson Hyde, from Juab and Sanpete counties.

William J. Cox, from Beaver and Millard counties.

George A. Smith, from Iron and Washington counties."

On motion of Councilor Hess the report was accepted.

The roll was then called by the Secretary pro tem.

Quorum present.

Moved by Councilor Carrington, that a committee be appointed to wait on the Hon. Elias Smith, Judge of Probate for Great Salt Lake County, and request him to attend in the Council Chamber to qualify the members and officers of the Council.

Councilors Harrington and Cox were appointed said committee, and soon returned introducing Hon. Judge Smith, who administered to the several members the customary oath.

The following officers were then elected by the members, and took the oath of office, administered by the Hon. Judge Smith:

DANIEL H. WELLS, President.

THOS. W. ELLERBECK, Secretary.

PATRICK LYNCH, Assistant Secretary.

JOHN SMITH, Sergeant-at-arms.

SAMJEL L. SPRAGUE, Messenger.

ROBERT PIERCE, Foreman.

JOSEPH YOUNG, sen., Chaplain.

Moved by Councilor Harrington, that a committee be appointed to notify the House of the organization of the Council.

The President appointed Councilors Richards and Hess said committee.

The following resolution was received from the County Court of Great Salt Lake County:

"TO THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF UTAH:

GENTLEMEN:—The following, among other resolutions that were passed at the last meeting of the County Court of Great Salt Lake county, is respectfully submit to your honorable body:

'Resolved, That for the holding of the eleventh and any subsequent session of the Legislature that may be held during our Territorial existence, the use of the Court House, reserving such rooms as are occupied as county offices, be and is hereby tendered to the Legislative Assembly, the members of which will doubtless concur in the opinion we entertain that, under existing circumstances, the Government should be at the expense of providing and furnishing halls for Legislative purposes, and take such measures as may be deemed expedient to provide for the payment to Great Salt Lake county of a reasonable rent for the use of said House when thus occupied. By order of the court,

E. W. EAST, Clerk.

Great Salt Lake City, Dec. 9, 1861."

Councilor Carrington moved, that a committee of two be appointed, in connection with a like committee from the House, to wait on his Excellency the Governor, and inform him that the Assembly is organized and ready to receive any communication he may wish to make.

The President appointed Councilors Harrington and Benson said committee.

Messrs. Woolley and Young notified the Council that the House was organized and ready to proceed to business.

The committee appointed to wait on his Excellency the Governor returned and reported that he would be pleased, should it suit their convenience, to communicate to the Assembly in joint session, at 11 a.m. on the 10th inst.

On motion of Councilor Richards, the freedom of the Council was extended to his Excellency Governor Dawson, the Hon. Secretary Fuller, their Hons. the Judges and other Federal officers of the Territory of Utah; also Ex-Governor Brigham Young, the Ex-President of the Council, and ex-members of the Legislative Assembly, the Hon. Wm. H. Hooper, the County court of Great Salt Lake county and its officers, and also to the Hon. the Mayor and Council of Great Salt Lake City.

The following communication was received from the House:

REPRESENTATIVES' HALL, }  
Monday, Dec. 9th, 1861. }

"TO THE HON. THE PRESIDENT AND COUNCIL

OF THE LEGISLATIVE ASSEMBLY:

GENTLEMEN:—The House of Representatives will be pleased to meet with the Council in joint session to-morrow at 10½ o'clock a.m.

Very respectfully,

JOHN TAYLOR, Speaker."

On motion of Councilor Woodruff, the Council concurred.  
The President appointed the following

*Standing Committees of the Council:*

- On Judiciary:* Albert Carrington, L. E. Harrington, Geo. A. Smith and Orson Hyde.
- On Claims and Appropriations:* James W. Cummings, W. Woodruff and Lorenzo Snow.
- On Petitions and Memorials:* Geo. A. Smith, F. D. Richards, O. Hyde and E. T. Benson.
- On Revenue:* W. Woodruff, L. E. Harrington, John W. Hess and Daniel Spencer.
- On Elections:* Ezra T. Benson, Wm. J. Cox and Lorenzo Snow.
- On Counties:* F. D. Richards, Jno. W. Hess, Jas. W. Cummings and A. Carrington.
- On Roads, Bridges, Ferries and Kanyons:* Orson Hyde, Geo. A. Smith, Daniel Spencer and Leonard E. Harrington.
- On Education:* Lorenzo Snow, Orson Hyde, F. D. Richards and Albert Carrington.
- On Engrossing:* Orson Hyde, Albert Carrington and J. W. Cummings.
- On Printing:* Wilford Woodruff, E. T. Benson, and L. E. Harrington.
- On Agriculture, Trade and Manufactures:* W. Woodruff, L. E. Harrington, Daniel Spencer and John W. Hess.
- On Militia:* F. D. Richards, Orson Hyde and Wm. J. Cox.
- On Incorporations:* Lorenzo Snow, J. W. Cummings and Geo. A. Smith.
- On Library:* Ezra T. Benson and Wilford Woodruff.
- On Public Domain and School Lands:* A. Carrington, Lorenzo Snow, J. W. Cummings and W. J. Cox.
- On Penitentiary:* Ezra T. Benson, Daniel Spencer and L. E. Harrington.

On motion of Councilor Woodruff, the Council adjourned till 10 a.m. to-morrow.

Benediction by the Chaplain.

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## HOUSE.

REPRESENTATIVES' HALL, County Court House,  
Great Salt Lake City, U. T., Dec. 9, 1861, 10½ a.m. }

The eleventh annual session of the Legislative Assembly of the



Territory of Utah convened in the County Court House, pursuant to law.

The House was called to order by Mr. Robert L. Campbell, Assistant-Clerk of the former House.

The following members elect answered to their names:—John Taylor, Hiram B. Clawson, Hosea Stout, Edwin D. Woolley, Joseph A. Young, Albert P. Rockwood, John V. Long, John M. Moody and Horace S. Eldredge, from Great Salt Lake County.

Joseph Holbrook and Thomas Grover, from Davis county.

Chauncey W. West and Aaron F. Farr, from Weber county.

Peter Maughan, from Cache county.

John Rowberry, from Tooele and Shambip counties.

Albert K. Thurber, Benjamin F. Johnson and Lorenzo H. Hatch, from Utah and Cedar counties.

Jonathan Midgley, from Juab county,

Bernard Snow, from San Pete county.

Thomas Callister, from Millard county.

Edward W. Thompson, from Beaver county.

William Crosby and Silas S. Smith, from Iron and Washington counties.

Thomas Rhoads, from Summit and Green River counties.

A quorum being present,

On motion of Mr. Stout, Hon. John Taylor was elected Speaker pro tem.

On motion of Mr. Rockwood, Mr. William Clayton was elected Clerk pro tem.

On motion of Mr. Stout, Mr. R. L. Campbell was elected Assistant Clerk pro tem.

On motion of Mr. Long, James F. Allred was elected Sergeant-at-Arms pro tem.

Mr. Rockwood moved, that the Speaker appoint a committee of three to examine the credentials or other evidence of the members elect, with a recess of ten minutes to give an opportunity for the committee to attend to the duties assigned. Seconded and carried.

The Speaker appointed Messrs. Rockwood, West and Thurber said committee.

The committee on credentials reported that from the evidence before them they were satisfied the members elect present were entitled to their seats.

On motion of Mr. Stout, the Sergeant-at-Arms pro tem, was instructed to wait upon his honor, Judge Elias Smith, and respectfully request his attendance to administer the oath of office.

Messrs. Richards and Hess, in behalf of committee from the Council, appeared and informed the House that the Council was organized and ready to proceed to business.

His honor, Judge Smith, appeared and administered the necessary oath to the members elect present by counties.

On motion of Mr. Stout, the House proceeded to a permanent organization.

The following officers were severally elected by unanimous vote:

JOHN TAYLOR, Speaker.

WILLIAM CLAYTON, Chief Clerk.

ROBERT L. CAMPBELL, Assistant-Clerk.

JAMES F. ALLRED, Sergeant-at-Arms.

HEBER JOHN RICHARDS, Messenger.

FRANCIS KIRBY, Foreman.

WM. W. PHELPS, Chaplain.

To whom, individually, Judge Smith duly administered the oath of office.

The Chaplain engaged in prayer.

Mr. Rockwood moved, that a committee be appointed to inform the Council of the organization of the House.

The Speaker appointed Messrs. Woolley and Young said committee.

Mr. Stout moved, that ex-Governor Brigham Young, the ex-members of the Legislative Assembly, His Excellency Governor John W. Dawson, the Honorable Secretary Frank Fuller, their honors the Judges of the Supreme Court, Hon. W. H. Hooper, late delegate to Congress, the Superintendent of Indian Affairs, the Surveyor-General, the honorable Probate Judge of Great Salt Lake County, and the Mayor of Great Salt Lake City be admitted to seats within the bar of this House. Seconded and carried.

The following message was received from the Council:

"COUNCIL CHAMBER, Dec. 9, 1861.

HON. JOHN TAYLOR, SPEAKER OF THE HOUSE

OF REPRESENTATIVES:

Councilors Harrington and Benson have been appointed a committee from the Council to wait, in conjunction with a like committee from the House, on the Governor and Secretary, to inform them the Legislature is organized, and awaits any communication they may have to make. Respectfully,

DANIEL H. WELLS, President."

Mr. Rockwood moved, that a like committee be appointed from the House to wait upon the Governor and Secretary in conjunction with the Council committee.

The Speaker appointed Messrs. Clawson and Eldredge said committee.

A communication was received from the County Court of Great Salt Lake County, addressed to the Legislative Assembly, tendering the use of the Court House for legislative purposes.

On motion of Mr. Rockwood, the tender of the Court House for the use of the eleventh and any subsequent session of the Legislative Assembly was accepted, and the communication from the County Court referred to the committee on claims, when appointed.

Mr. Eldredge, in behalf of the House committee appointed to wait upon his Excellency the Governor and his Hon. the Secretary, reported that his Excellency the Governor would be pleased to meet with, and communicate to the Legislative Assembly in joint session at 11 a.m. to-morrow.

Mr. Stout moved, that the Council be notified that the House would be pleased to meet with them in joint session to-morrow at 10½ a.m. Seconded and carried.

The minutes were called for, read and accepted.

On motion, the House adjourned till to-morrow at 10 a.m.

Benediction by the Chaplain.

—o—

TUESDAY, DECEMBER 10, 1861.

— — —  
COUNCIL.

COUNCIL CHAMBER, Great Salt Lake City, }  
Dec. 10th, 1861, 10½ a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The time appointed for the joint session having arrived, the Council repaired to the Representatives' Hall to meet in joint session.

[See Joint Session Minutes.]

Upon dissolution of the joint session, the Council returned to their Chamber.

The minutes were read and accepted.

On motion of Councilor Benson, the Council adjourned till Thursday, 12th inst., at 11 o'clock a.m.

Benediction by the Chaplain.

## JOINT SESSION.

REPRESENTATIVES' HALL, G. S. L. City, }  
 Tuesday, Dec. 10th, 1861, 10½ a.m. }

Pursuant to agreement of the 9th, the Assembly met in joint session.

The President of the Council presiding (His Excellency The Governor having a seat in the stand) called the Assembly to order.

The Secretary of the Council called the roll of the Council.—  
 Quorum present.

The Chief Clerk of the House called the roll of the House.—  
 Quorum present.

Prayer by the Chaplain of the House.

The President declared the joint session open and ready for business.

The President formally introduced His Excellency the Governor to the joint assembly. The members, rising to their feet, respectfully acknowledged the introduction.

His Excellency the Governor then read his message to the Assembly.

## GOVERNOR'S MESSAGE.

GENTLEMEN OF THE COUNCIL AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF UTAH:

The appointment of the President of the United States having devolved upon me the powers of Governor of this Territory, I now have the honor of addressing to you my first Executive message. The recent date of my appointment, and my arrival here only three days since, will, of necessity, render very imperfect what I may say to you, either by way of information of the state of affairs in this Territory, or of recommendation of measures of legislation; hence, I shall postpone the consideration of much local matter for a special communication, if necessary, and devote the most of the message to a review of the causes of the war which now is devastating our land, trusting that what I may say may not be regarded as idle words by this remote colony of people of the United States.

I come among you, the people of Utah, as one of you, to make this my home; and though a stranger to you, I have the earnest desire and hope, which are stimulants of strenuous effort on my part, that our now brief acquaintance may ripen into one of mutual respect and confidence, promotive alike of the honor and welfare of the United States, and of the best interests of the people of Utah.

I enter on the discharge of my duties, as the representative of Federal authority in this Territory, at an eventful period in the history of the United States. You, in common with the people of the whole civilized world,



are now looking upon the painful spectacle of the people of this American Federal Union at war with each other. The noblest structure of political government ever created by the wants, or devised by the wisdom of men, is passing through the ordeal of civil war. Eleven of the slave-holding States, have openly repudiated the authority of the Federal Constitution, and are now attempting, by force of arms, to establish an independent national government, under the name of "The Confederate States of America," into which a desperate and powerful, if not a numerous minority of the people of Kentucky, Missouri and Maryland, are endeavoring to draw those slave-holding States.

It is, perhaps, unnecessary for me to enlarge upon what is probably already known to you, of the origin and progress of the war. I may, however, enumerate as among its causes: First—Different systems of labor and social life in the slave-holding States, involving essentially different opinions as to the morality and expediency of the domestic slavery of the African race. In the Northern States, productive labor, which is the basis of the material prosperity of society, is free and honorable—its way is legally unobstructed to wealth and honor. In the Southern States, labor is mainly servile or enslaved and, therefore, degraded.

Second—Conflict of sectional interests; the most populous and wealthy portions of the Northern States desiring to favor their commercial and manufacturing interests, which are predominant, by protective tariffs against foreign manufactures. The Southern States, on the other hand, whose interests are mainly agricultural, aiming to develop their agricultural wealth by freedom of trade; and each endeavoring to make the Federal Government auxiliary to its own sectional policy.

Third—Antagonistic political theories, coeval with the formation of the Federal Union, in regard to Federal and State rights; the Northern States having generally practically accepted the theory which recognizes the supremacy of the Federal Government, as a national government, created by the people of the United States as one nation; and the Southern States having as generally adopted that theory of the Constitution, known as the strict construction or State's Rights theory, which holds the Constitution to be a compact or league between co-equal sovereign States, united in a confederacy not consolidated under a national government. The radical substantial difference between the two theories may perhaps be these summed up in words: The people of the Northern States generally regard their allegiance to the Federal Government, as paramount to their allegiance to their State Governments. While the people of the Southern States, as generally hold that their allegiance to their States is superior to their allegiance to the Federal Government. Hence a Northern man regards his State as having no political sovereign rights, except as a member of the Federal Union. And that, therefore, the secession of a State from the Union, or its resistance of Federal authority, is an act of rebel-

lion or revolution to be put down by the strong arm of Federal power; whereas, a Southern State's-rights man considers his State as having political rights and sovereignty, above and independent of the Federal Union; and that, therefore, it may, for cause to be determined by its own discretion, withdraw from the Union, or resist its authority, without affording just cause of war upon it.

It is deeply to be deplored that differences so radical should exist among the people of the United States, for their tendency is to impair the harmony of feeling and unity of interest and purpose, which are essential to the full development of the national prosperity and power. No wise man who surveys the magnificent and imperial territory upon which the Providence of God has placed the people of the United States, can fail to believe that they should remain one nation and one people; it may be one from many, but yet one among the nations, and that their true interests and glory are in unity and peace. But deplorable as the differences are, that have resulted in civil war, they do exist, and it is a historic truth that they did exist coeval with the formation of the Federal Union and Constitution. In the convention of wise and patriotic men, who formed the Federal Constitution of 1787, these differences constituted the most serious obstacles to the framing of the Constitution, and, afterwards, to its adoption by the people. Had the councils of men of extreme and violent opinions prevailed, and the jealousy between some of the States been fostered, and the assertion of their separate sovereignty been carried to its natural results, the American States, after having nobly struggled to a glorious success through the seven years war for independence, instead of forming the union which gave them strength and dignity, and started them upon a career of matchless prosperity, would have been divided into petty States, without national resources, without national dignity and power, and ever at the mercy of foreign foes and of the British Empire against which their united struggle had given them success. But the men to whom the destiny of the United States was committed at the close of the war of the Revolution, were Patriots and Statesmen. They were men of large hearts and clear heads.--They plainly saw the dangers which threatened to divide the States, and they sought to avoid them. They therefore mutually discarded sectional views and jealousies, and brought to the formation of the Federal Constitution "*a spirit of amity, and the mutual deference and concession which the peculiarity of their political situation rendered indispensable.*" They did not urge differences of opinion or conflicting interests to their logical results; they conceded—they yielded—they compromised. The Constitution, the work of their hands, was based on compromise. The jealousy between large and small States was compromised by giving to each State equal representation in the Senate, and numerical representation in the House of Representatives. The differences between the advocates of a strong national government on the one hand,

and a limited federal government, with strictly defined powers, on the other, were compromised by making a government partly national and partly federal. As to all its external and foreign relations, the government became a national one. In its internal relations, it remained federal, each State retaining its sovereignty and independence, as to all its local and internal concerns. The differences of anti-slavery men and of the advocates of slavery were reconciled by fixing a period when the Congress should have power to terminate the foreign slave-trade, which was a subject within the legitimate scope of national legislation, and by virtually recognizing slavery, without naming the words slavery or slaves, as the creature of local law, and by leaving slavery in the States as the Constitution found it—a domestic institution—the subject of local or State, not of Federal, legislation.

Notwithstanding the wise compromises of the Constitution, it was not to be expected that the causes which produced diversity of opinions and difficulty in framing the Federal Government, would wholly cease to operate with the growth and prosperity of the nation. The experience of human nature gave no guaranty of so benign a result. Brave and patriotic and intelligent, as they proved themselves to be in the establishment of their independence and in forming their system of government, the American people had no claim to immunity from the general failings of men. Wise as was the plan of government they adopted, they were liable to depart from its spirit, and thus impair its efficiency, and endanger its existence. There was, however, strong hope in patriotic men that the wisdom of the people, the practical good sense characteristic of the race, would always prevent the causes of jealousy and dissention between different sections of the Union from coming into angry collision and overleaping the limits and safeguards of their self-created Constitution. In this hope, there has been disappointment. The people of the United States have not proved themselves to be as wise as the fathers of the Republic hoped they would be. Disregarding the injunctions of Washington in his farewell address, and the teachings of his illustrious compeers; disregarding the sacred compromise of the Constitution itself, men in different sections of the Union have not failed, reckless of consequences, to urge radical opinions upon various questions of policy, especially the question of domestic slavery, that could not but terminate, when thus urged, in the formation of sectional parties, and a consequent destruction of the harmony and moral power of the Union, which are the main elements of its perpetuity.

It is not my purpose to take a partizan, but a dispassionate and patriotic view of our national troubles, and in doing so I would falsify the truth of history should I fail to say that neither the Northern people nor the Southern people are wholly free from blame for the great evil that has come upon the nation. Upon a question like that of slavery which has been

the most prominent among the causes disturbing the harmony of the Union; a question involving moral, religious, social and political considerations, concerning which wise and good men in different ages have widely differed, it was not wise for men in either section of the Union to assume to be wholly right and their opponents wholly wrong, nor wise to allow differences of opinion to ripen into a sectional party spirit and hatred, so intense and rancorous that they usurped the throne of reason, and incapacitated men from seeing measures and events, except as through a glass darkly. The atmosphere of passion is ever an unsafe medium through which to look either upon men or things. The Federal Constitution had dealt with the subject of slavery as a political one, in the spirit of compromise, and it was the duty of all men loyal to the Constitution to continue so to deal with it. It was not, therefore, well for the people of either section, to give heed and influence to the sayings of men of extreme opinions in regard to it. The formation of a political party in the Northern States, upon the distinct basis of hostility to slavery, insignificant as that party was in its beginning, was ominous of evil. The people should have foreseen that beneath the rending and disintegrating power of such a wedge of disunion, the Federal Union, though strong as gnarled oak, must eventually be rent asunder. It has been a cardinal error of the people of the Northern States, towards their Southern brethren, to permit a fanatical abolition party in the North to enlarge its borders and strengthen its stakes, and to gain political consequence and power, until the opinion has been created among the Southern people that the whole Northern mind is imbued with bitter hostility to the Southern people, and a determination to destroy, through the intervention of Federal power, the Southern domestic institution of negro servitude. Influenced by this opinion, Union loving men of the Southern States have been led to the conclusion that the harmony of the Union was forever at an end, and to look, almost without regret, upon the prospect of its dissolution, an idea once utterly repulsive to the whole American mind. On the other hand, impartial justice demands that I should say, that the people of the South, sensitive, hot blooded, impulsive, and fond of rule, instigated and misled by ambitious political leaders, have been too much disposed to scoff at and defy the intelligent moral sentiment of the Northern people on the subject of slavery, and to force them by arrogant and insolent denunciation, to formally approve, as a political and social good, what they firmly believe to be a political and social evil. The people of the South have unwisely claimed a political importance and power for their domestic institution of slavery not belonging to it. They have claimed rights for it under the Federal Constitution which the Constitution does not award to it. In fine, the people of neither section have been willing, as to this exciting question of slavery, to let each other alone, and in the spirit of mutual forbearance and kindness and national brotherhood to pursue the even tenor of their way, each content to form and regulate its domestic



institutions in its own way, subject only to the Constitution of the United States.

From year to year, for many years past, the disharmony of the Federal Union, growing out of the subject of slavery and the other causes of difference to which I have alluded, has been increasing, encouraged by abolitionists at the North and the ultra slavery men of the South. Against this agitation the wisest and best men of the Republic have manfully contended. The struggle of 1820, in regard to the admission of Missouri into the Union, a struggle which shook the Union to its center as with the throes of dissolution, was safely passed by a compromise, wholesome at the time, but not, as the result has shown, resting upon a permanent self-adjusting principle, adapted to all future cases that might arise with the expansion of national territory and the changing relations of States. The next great struggle was that resulting in the Compromise Measure of 1850, with which the history of your own Territory is identified. Your organic law was one of these Compromise measures, and it bears the impress of the minds of the great statesmen Clay, Webster and Douglas, whose voices were potent in the national Senate, but are now hushed in death. It recognizes the right of a people of an organized Territory to exercise their legislative powers upon all rightful subjects of legislation, consistent with the Constitution of the United States, and to be admitted as a State into the Union with or without slavery as their Constitution may prescribe at the time of their admission.

The Compromise of 1850 was of vital moment to you, if I may say so, the peculiar people of Utah, for it embraced a principle upon which you seized as a protection to you in your right of conscience, and in the formation and regulation of your own domestic and social polity, so long as it conforms to republican principles of government and to the supreme law of the Federal Constitution.

It is, however, to be observed that as under the name of liberty many unblushing crimes have been committed, so under the doctrine of the sovereignty of the people of a State or Territory, excesses may be attempted which were never contemplated by the framers of the Constitution of the United States, to be guarded against and destructive of the great ends of government; hence, under such circumstances it should be the duty of Congress to act *pro re nata* more with reference to the equity of the case than to the question of the legality or constitutionality of the power to be exercised, a course which will be found indispensable to the maintenance of internal peace, concord and justice, each of which is an element of Union.

The Compromise of 1850 met the approval of the nation, except perhaps the small minority of men of radical opinions, with whom agitation and controversy are ever congenial elements, and to whose political importance they are necessities. It seemed to bring back and settle the administration

faction with the co-operation of a few northern allies, divided the Democratic party and prepared the way, not only for the success of the opposition at the north, but for the dissolution of the Federal Union.

The conspiracy to destroy the Democratic party and Senator Douglas was successful. The Northern Democracy stood faithfully by its brave and patriotic leader, and most of the Free States stood by the patriotic leader of the Republican party—Abraham Lincoln, and his party triumphed. The event was seized as a pretext for open treason, and was soon followed by the secession of South Carolina, and other slaveholding States, and the opening of civil war in the bombardment of Fort Sumter.

Fresh from the excitement of the great campaign of 1860, the party in power, flushed with success, and the secession leaders of the South, desperate with disappointment and defeat, were neither in the mood to survey calmly the angry sea of national affairs. The spirit of compromise—the guardian genius of the unity of the nation and its constitution, was for a time discarded or unheeded. Between the secession of South Carolina and the fall of Fort Sumter, a few noble and manly efforts were made in Congress and in the Peace Conference of 1861, to re-enthroned compromise and to stay the swelling tide that was bearing the nation to the yawning abyss of civil war, but they were in vain. The enraged sea rolled not back when Canute gave command, and the Power that rules the sea and the storm, and holds the nations in the hollow of His hand, was too strong for even the efforts of wisdom and patriotism to stay His purposes. For wise purposes which history will reveal, Providence has permitted the American people to be tried in the furnace of affliction, which is now heated for them.

There can be no difference of opinion among men, unbiassed by passion or prejudice, as to where rests the responsibility of beginning this civil war. Whatever may be our opinion of the folly and violence of abolitionists in the North—or pro-slavery men in the South—up to the hour when the national banner came down before the guns of the Confederate States, at Fort Sumter, the Federal Government had been void of offence towards the South in regard to its peculiar institution of slavery. It had fulfilled all its constitutional obligations to them—even if it had not gone beyond them—as in the case of Kansas, in the interest of slaveholders, and in no respect had the South sustained any wrong at the hands of the Northern people, but what could have better been remedied by calm and kind appeals to the intelligence and justice of Northern majorities, under the forms and within the jurisdiction of the Constitution, than by a dissolution of the Federal Union, and an appeal to arms in the ordeal of civil war.

Attacked, as it was, by open and avowed rebellion, the Federal Government—the trustee of the whole nation and the representative of its power and glory before the world—could not but stand upon its defence, and repel force by force. To have admitted by passive acquiescence, in the attempted withdrawal of the cotton States, the doctrine of secession as a con-

stitutional right of any State—would have been an act of imbecility in the Government, worse than suicide. It would have been a virtual abdication of governmental power, and treason to the American people. The Government could not, without degradation and dishonor, do otherwise than defend itself. This is its true position. The war, so far as the Federal Government is concerned, is a war to defend the national existence and Constitution; not to change the Constitution—not to subvert the Federal system of Government—not to abolish African slavery, nor to interfere with the social and domestic institutions of the people of any of the States or Territories—not to subvert the sovereignty of States and hold them as conquered provinces—not to wantonly devastate and destroy. The Government must discharge its high and holy duty to the American people of maintaining the government given them by their fathers, by compelling rebellion (by the strong power it has madly invoked) to lay down its arms, and yield to reason and the authority of the nation's fundamental law. This be assured, men of Utah, is the high purpose which guides the policy and measures of the Federal Administration, and nerves the hands and hearts of the men who follow the banner of the Union. The Government is fully awake to its mighty responsibility, and it will manfully meet it in the fear of God and in confidence of his aid. Men of Utah, are you ready to assist?

The war, thus developed by events from the causes which I have stated, has in fact begun. It is no mean contest. The rebellion or revolution, by whatever name men see fit to call it, is one of giant proportions. It is backed by the power of ten millions of people, whom their leaders represent to be of one mind to carry it forward to success. On the other hand, the rebellion is met in the spirit of an earnest and determined patriotism by over twenty millions of free people, intelligent, brave, rich in material resources and power of war, strong in moral power, and resolved as with one will, in the strength of God and their own power, that the Federal Union, the national life—the issue of a struggle in which heroic hearts shed their blood like water—must and shall be preserved. Men of Utah, do you like this resolution? If need be three millions of stalwart men stand ready, upon Northern soil, to assume arms and to conquer or die in defence of a government whose existence, up to the hour when lawless ambition struck at its life, was the glory and the hope of the civilized nations of the earth. Men of Utah! are you ready to join that host?

A treasonable attempt has been made by parricidal hands to destroy a government based in clear acknowledgment of the universal rights and intelligent capacity of man for self government—a government which, while it holds in itself the material and moral power of a puissant nation to build up or to destroy, to attack or defend, has yet even in its operations and influences upon its people, been as gentle and beneficent as the genial rays of the sun or the dews that distil from evening air upon the earth on which they fall.

The great question now before the American people and the world is, shall this great and beneficent government, whose name and flag have been a shield to its people all over the earth, and a hope to the oppressed of all nations, be now destroyed by the hands of its own sons? Shall it go down amid the horrors and desolation of civil war, leaving only the blackness of ashes to mark where it stood; or shall it emerge and rise in renewed strength and beauty from the clouds and darkness that rest upon it? Shall it, or not, as the Holy Word describes the Christian Church, once more come up out of the wilderness, fair as the sun, clear as the moon, and terrible as an army with banners. Men of Utah! what answer will you make? Why need I ask you where you stand on this great question? Here, in this peaceful valley, which you, by wonderful perseverance and industry, have reclaimed from a state of nature, and made its sterile plains blossom as the rose, as few people on earth could, and for which you are entitled to the thanks of the nation—here, far removed from the scenes of conflict, where your brethren and fellow citizens are ruthlessly shedding each other's blood, you can not but look with deep, earnest interest upon the struggle and its final result. United, as you are, in the bonds of a peculiar faith and social life, which has, in a measure, separated you, as a peculiar people, from your American brethren, you are yet bound to them by the ties of kindred, language and country, and the recognition and worship of the same Divine Father and Lord and Savior Jesus Christ. You are a people of the United States, and I was rejoiced to hear how you stand affected toward the Federal Government—the Union and the Constitution. In the city of Washington, a few weeks ago, it was my pleasure to read the first dispatch of the President of the Mormon Church, the sentiment of which was correct, and also about the same time to read another from the then Acting-Governor—the Hon. Frank Fuller, which signified the loyal faith of this people to the great Federal Government. This important message, on the lightning's wings, was but a confirmation of previous utterances of Ex-Governor Brigham Young, expressive of his high appreciation of the Constitution of the United States. He had before said:

"I want to say to every man, the Constitution of the United States, as framed by our fathers, was revealed—was put into their hearts by the Almighty, who sits enthroned in the midst of the heavens; although unknown to them, it was dictated by the revelations of Jesus Christ, and I tell you, in the name of Jesus Christ, it is as good as I could ever ask for. I say unto you, magnify the laws. There is no law in the United States, or in the Constitution, but I am ready to make honorable."

It confirmed also the words of another of your eminent men, General D. H. Wells, when, in speaking of the sentiments of the Mormon people towards the United States, he said:

"That country—that Constitution—those institutions were all ours; they are still ours. Our fathers were heroes of the Revolution. Under the master



spirits of an Adams, a Jefferson, a Washington, they declared and maintained their independence; and under the guidance of the Spirit of Truth they fulfilled their mission, whereunto they were sent from the presence of the Father."

And again, he said in your behalf:

"Never! no, never, will we desert our country's cause; never will we be found arrayed on the side of her enemies, although she herself may cherish them in her bosom; although she may launch forth the thunderbolts of war which may return and spend their fury upon her own head. Never! no, never, will we permit the weakness of human nature to triumph over our love of country, our devotion to her institutions, handed down to us by our honored sires, and made dear by a thousand tender recollections."

And now that the country is still the same—the Constitution the same—the institutions the same—all ours, and a state of war exists—will you not be found arrayed on the side of that Constitution—that Union—that Government "revealed and put into the hearts of our fathers by the Almighty?"

Believing that such noble sentiments of patriotism animated the breasts of the people of Utah, I undertook the long and tedious journey which has brought me here to your isolated home among the mountains of Deseret, trusting that I should find here the same faith, and hope, and love for the Federal Union, its Constitution, and its laws, as animate the hearts and nerve the arms of my own people of Indiana, nearly forty thousand of whose youth are already scattered from Missouri to the Atlantic coast, under arms for the nation's defence; and that noble State is prepared to triple, on the field of battle, the number of her sons, when the nation's need calls for them.

If wisdom and true patriotism, and the spirit of enlightened Christian humanity, continue to guard the policy of the Federal government in the conduct of the war, as there is no doubt they will do, there can be no question of its final result. Temporary reverses to the Federal arms, afford no criterion of the ultimate victory; that must be with the strongest arm, sustained as it is by the right. Weary of a contest, hopeless as it is disastrous, the people of the South, seeing by the course of the Federal Government that it has no design in the war to do aught but maintain the rightful authority and dignity of the Constitution, and learning that they have been wickedly misled by designing men, will ultimately, and ere long, lay down their arms and be content, nay, glad, to take their old places in the Union, co-equal sharers in all the rights and powers incident to it.

I have deemed it due to the occasion thus to dwell somewhat at length upon national affairs, and have endeavored to deal with them in a patriotic and candid spirit, so that they might be seen as they are, and there be no misunderstanding between us in regard to them.

That the true interest of the people of Utah is with the Federal Union no

rational man can doubt; and let no man urge a different course, for such will be a dangerous one.

The boundaries of your Territory place it within territory consecrated by the laws of nature to free labor; its isolated position calls for the protection of a powerful government, and for its aid in the development of its material resources. Surrounded as it is by organized Territories of the United States, soon to develop to the proportions and power of free States of the Union, Utah has a common interest and common destiny with them. Isolated it is weak, and this let no men controvert; united in the bonds of the Federal Union it shares its powers, its prosperity, its glory and its ultimate destiny. Let this sink deep into the hearts of all true men of Utah.

In reference to my own policy as the executive authority of this Territory, I have only to say that I am here faithfully and honestly and fearlessly to discharge my duty under the laws and Constitution of the United States and the laws of the Territory of Utah consistent with them. In the language of your distinguished citizen Brigham Young, "I say unto you I will magnify the laws; there is no law of the United States, or in the Constitution but I am ready to make honorable," and to this end I shall, as is my right, ask and confidently expect the cordial co-operation of the Legislature and people of Utah, as they will find in me a cordial co-worker in all that concerns their peace and substantial good.

Keeping in view the loyalty of this people, I refer you to the act of Congress, entitled "*An Act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes*:" Approved, Aug. 5, 1861, by which the sum of \$26,982 is levied on this Territory to be collected annually either through officers of your own appointment, or by such as the law itself provides, of a Federal character. Let this law be made honorable; let it be magnified at the earliest possible period by legislative action and thus put yourselves before the world vindicated of the charge of disloyalty, which I regret to say has obtained some credence in portions of the United States.

The establishment of the Overland Daily Mail from the Missouri river to the Pacific Ocean, being one of the greatest enterprises ever undertaken on this continent, and of vast importance and advantage to this Territory, and the company having manifested astonishing and commendable ability and energy in the transportation of the mail since it has had possession of the route, I deem it entitled to the utmost confidence of the public and of the Government of the United States. And passing as it does for so many hundred miles through the Indian country, the security of the mail and the safety of the passengers and employees of the company, aside from the safety of the great tide of immigration and travel pushing westward, demand the protection of the Government of the United States; and, to this end, I recommend that you memorialize Congress

on the subject, asking appropriations of money to improve the roads and build bridges at places on that line and in your Territory, such as seem indispensable. Also the appointment of agents at convenient distances along the line, to meet and confer with the Indians and supply their wants, as well as the occupation of commanding points, by a small yet efficient military force, passing frequently along the line, keeping good order and peace, and giving safety to mail and travelers against savage and civilized marauders. My recent travel over the line from the Missouri river to this city, satisfies me of the necessity of such action on the part of Congress.

In connection with this, is the location and construction of a railway to connect the roads constructed westward to the Missouri river, with the road built eastward in California. Trade and business between the eastern and western sections of the United States appear to have selected by the stage and telegraph routes, the most convenient route for this great artery of commerce and bond of union, a strength, which, as it passes nearly the entire length through the Territories of the United States, may, without a question as to the Constitutional power of Congress, be located and constructed by the authority of Congress and with the funds of the United States. The character of the country is such for the greater part of the distance, that it is too much to expect that it can be constructed by private capital; and, as it must become a national road, it is right that it should be made by the nation. On this subject I also recommend you to memorialize Congress.

The extinguishment of the Indian title to such portions of the Territory as may be desirable for agriculture, appears to be equally demanded by the condition of the Indians and the progress of settlement. The survey of the public lands and the establishment of land offices, the appointment of proper officers, and the sale of the lands, will enable the settlers to procure title to the lands occupied and improved by them; which seems to me to be necessary for their security and prosperity.

Free grants of land having been made by the General Government to the first settlers of some other Territories, and the propriety of such a course having, in most instances, been proved I deem it eminently proper and wise for Congress to grant the same privileges and bounties to the settlers of this Territory; and to effect this, I urge you to make early application to Congress.

The acts of Congress organizing the Territories of Colorado and Nevada, having disarranged the boundaries of some of the judicial districts of the Territory, as also the limits of some of the counties of the Territory, I bring the subject to your notice that it may receive your action with as little delay as possible.

The stability of a Constitution, and hence of a government, depends more on public opinion than it does on its structure; and the principles of

people will prevail regardless of Constitution or laws. Hence, to have a good Constitution respected, and the government revered by the governed, the people must be enlightened and free, and vigilant in their duties. That mind which is enslaved is not a free agent; nor can it enjoy freedom. When the will is a vassal, nothing is more degrading. A mind, not its own, can not be free—it is a slave and in chains, though so well gilded as not to be self-seen. And it is in such a state of society that encroachments on private rights are common, and permanent mischief hourly deplored.

Without education and intelligence general and diffuse, the best constitution and government, and laws the most wise, can never, in a democratic government, have permanent claims to longevity, nor the people, peace, tranquility or justice.

In a good government, where wisdom and intelligence bear sway, the laws have a moral force far beyond the fears which their penalties awaken; for, in such a condition of things, as the laws support all, so all support the laws; and every infraction thereof is a thrust at the peace and security of every citizen.

With these remarks, I commend to you the subject of education, which, I sincerely hope, will be fostered by you, and the children of the Territory thereby educated; educated in the habits and principles of freemen. I have more especial reference to common schools, which are to educate the masses, because the situation of your Territory is such that, at present, colleges can not be sustained. Such schools are indispensable to the great happiness and glory of the Territory. Every child in the Territory should be educated, because they are the children of the Territory and the subject of its guardian care.

The condition of the Territorial Penitentiary not having been reported to me, I can convey no information to you concerning that institution.

The financial condition of the Territory has been reported to me by the Auditor and Treasurer of the Territory, respectively; and I herewith submit their reports, as accompanying documents for your consideration.

Having now presented you with the substance of my message, I deem it proper to conjure you, as I would all other American citizens, to remember that, if ever there was an hour which, more than another, called for loud and earnest enunciations of true American principles, inspired by the memory of the past and the greatest hopes of the future, the unity and peace, of the Union of the States, that hour is NOW. Let us, therefore, be all encouraged by the patriot's hope, that peace may again return. Let us be true to God, true to ourselves, and true to our country and mankind, and all will be well.

JOHN W. DAWSON.

Great Salt Lake City, U. T.,  
Dec. 10th, 1861.



## AUDITOR'S REPORT.

HON. JOHN W. DAWSON, GOVERNOR OF UTAH TERRITORY:

SIR:—In presenting the annual report of this office, I have thought it policy to pursue the same method which I adopted in 1859 and 1860, viz.: to embody the financial matters of the Territory in three separate statements, which please find annexed.

In statement "A" appears the total valuation of taxable property assessed within the Territory for the year 1861, as far as assessments have been reported to this office. I regret to have to say that the counties of Tooele, Iron and Washington, have not yet forwarded their reports of assessment for the current year, and I have been under the necessity of assuming the last year's assessments of those three counties in order to complete this report. The statement shows an aggregate taxable property within the Territory of five millions, thirty-two thousand, one hundred and eighty four dollars; the Territorial tax arising thereon, at one-half of one per cent., is twenty-five thousand, one hundred and sixty 92.100 dollars.

It is very probable that when the reports from the delinquent counties are received the total amount of taxable property will be increased, and the true amount of Territorial tax for the year 1861 may exceed the sum named by several hundred dollars, but the present statement is as near as can be arrived at under the circumstances. There is no further tax on imported merchandize to be reported, as in previous years.

The amount of tax for Territorial revenue, then, for the current year, per statement "A," would be	\$25,160 92
From which would have to be deducted for cost of assessment and collection, and remittances by County courts, judging from last year, at least ten per cent., is	2,516 09

Estimated nett revenue	\$22,644 83
To which may be added, amount of tax due and uncollected for the year 1860, say	3,759 52
	<hr/> \$26,404 35

The number of Auditor's warrants issued during the current year, or from November 1st, 1860, to October 31st, 1861, as given in detail in statement "B," are as follows, viz.:

On account of Utah Penitentiary	4,693 11
On account of Public Roads and Bridges	10,335 82
On account of Agricultural and Manufacturing Society	645 74

[Dec. 10.]

On account of Incidental expenses	571 64	
On account of Salaries of Officers, etc.	473 15	
	<hr/>	\$16,719 46
To which, if we add Auditor's warrants in circulation October 31st, 1860, as per former report, viz.:	14,550 74	
	<hr/>	\$31,270 20
Gives a circulation, during the year 1861, of		
There has been Auditor's warrants received and redeemed by the Territorial Treasurer during the year, as follows, to wit:		
On account of delinquent tax of 1859	1,966 08	
On account of delinquent tax of 1860	14,406 07	
On account of tax for the year 1861	5,170 15	
Redeemed otherwise	467 00	22,009 30
		<hr/>
Leaves warrants in circulation October 31st, 1861, viz.:		9,260 90
If to this latter sum be added the amount in statement "C," of sums payable on appropriations heretofore made, to wit:		7,928 03
And Treasurer's salary for the year 1861, unpaid		200 00
		<hr/>
Shows a Territorial liability at this date of		\$17,388 93
To meet which, we have		
Balance in Treasury, as per Treasurer's report	1,608 56	
Uncollected tax for 1861	17,042 13	
Balance due on tax of 1860	3,159 52	21,810 21
		<hr/>
		\$4,421 28

Showing a surplus of assets over liabilities of four thousand four hundred and twenty-one 28. '00 dollars, which, it is believed, gives a pretty safe exhibit of the financial matters of the Territory for the year ending October 31st, 1861, all of which is respectfully submitted.

Respectfully,

WILLIAM CLAYTON,

Auditor of Public Accounts

for Utah Territory.

G. S. L. City, November 15, 1861.

## A

*Statement of the Value of Property assessed in the Territory, as reported by County Clerks, together with amount of Territorial tax at one-half of one per cent.*

County.	Value of Property.	Amount of Tax.
Great Salt Lake - - - - -	\$2,052,346 00	\$10,261 73
Utah - - - - -	766,224 00	3,831 12
Davis - - - - -	42,604 00	2,128 02
Weber - - - - -	373,990 00	1,869 95
Sanpete - - - - -	328,252 00	1,641 26
Cache - - - - -	312,314 00	1,561 57
Box Elder - - - - -	165,200 00	826 00
Millard - - - - -	91,584 00	457 92
Juab - - - - -	84,604 00	423 02
Beaver - - - - -	59,844 00	299 22
Summit - - - - -	38,642 00	193 21
Shambip - - - - -	24,520 00	122 60
Tooele, (Assessment for 1860)	150,506 00	752 53
Iron, (Assessment for 1860) -	100,236 00	501 18
Washington, (Assessment for 1860)	58,318 00	291 59
Green River has never made a report		
	<hr/> \$5,032,184 00	<hr/> \$25,160 92

## B.

*Statement of Auditor's Warrants issued during the year commencing Nov. 1st, 1860, and ending Oct. 31st, 1861.*

## ON PENITENTIARY ACCOUNT:

To A. McRae, special appropriation to cover guard service to Dec. 10, 1860 - - -		\$342 00
To A. McRae, for guard service	\$500 00	
" for supplies -	200 00	
" for relief of warden - - -	200 00	
	<hr/>	900 00
To J. A. Little, warden, for guard service - - -	\$1,668 00	
" for supplies -	1,532 11	
" for relief of warden	100 00	
" for arrest of Gipson	100 00	

To J. A. Little, for arrest of James

Graham 50 00

" for blank book for  
Penitentiary

1 00

3,451 11

4,693 11

#### ON ACCOUNT OF ROADS AND BRIDGES:

Ogden Bridge and Road special appropriation, Jan. 1861	1,156 50
G. S. L. City and Weber Valley Road, special appropriation, Jan., 1861	3,000 00
Weber Bridge, on account of special appropriation, Jan. 1861	1,368 80
Provo Canyon Road, second appropriation of one-sixth, Jan. 1861	3,166 27
Coal-mine Road, to Samuel Snyder, January, 1861	1,000 00
Jordan Bridge, on appropriation, Jan., 1861	344 25
Toquerville and Grafton Road, on appropriation, Jan., 1861	200 00
Sanpete Coal Road, arrears per report of 1860	100 00

\$10,335 82

#### ON ACCOUNT OF AGRICULTURAL AND MANUFACTURING ASSOCIATION:

J. C. Little, treasurer, his orders to sundry persons

\$645 74

#### ON SUNDRY INCIDENTAL ACCOUNTS:

Asa Calkin, on arrears due per report 1860	\$88 64
George Sims, for services as engrossing clerk, on appropriation, Jan., 1861	15 00
Robt. Campbell, for services as engrossing clerk, on appropriation, Jan., 1861	12 00
Thomas Bullock, for services as engrossing clerk, on appropriation, Jan., 1861	22 00
John Oakley, for services as engrossing clerk, on appropriation, Jan., 1861	12 00
Henry Hedger, for services as engrossing clerk, on appropriation, Jan., 1861	6 00
John Jaques, for service as clerk, Jan., 1861	30 00
Wm. Clayton, for stationery for auditor's office	18 00
Indian Wars, 1850-51, on Adjutant-General's order to B. Baker	7 00



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## JOURNALS.

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Theodore McKean, for services as Road Commissioner, on appropriation, January, 1861	345 00
Patrick Lynch, for services under appropriation of Jan., 1860, to be expended by auditor	16 00
	<hr/>

\$571 64

## ON STATED SALARY ACCOUNT:

W. W. Phelps, superintendent, etc., balance due for 1860	\$35 00	
W. W. Phelps, on account of salary for 1861	165 00	\$200 00
	<hr/>	
W. Clayton, auditor, balance due for 1860	\$34 00	
W. Clayton, on account of salary for 1861	179 65	213 65
	<hr/>	
James Ferguson, on account of salary as Adjutant-General, 1860	9 50	
S. M. Blair, salary as Attorney-General for 1861	50 00	473 15
	<hr/>	

\$16,719 46

## C

*Statement of Amounts payable on Appropriations heretofore made:*

Jordan Bridge, balance of appropriation, Jan., 1861	\$1,830 75
Weber Bridge, balance, including \$1000 conditional appropriation of Jan., 1860	1,128 20
Beaver Bridge and Road; appropriation of Jan., 1861	300 00
Road from North Bend to Spanish Fork, appropriation January, 1861	500 00
Road from Box Elder to Cache, appropriation of Jan., 1861	750 00
Road from Santa Clara to Beaver-dams, appropriation of January, 1861	200 00
Penitentiary, unexpended appropriation of Jan., 1861	1,548 89
D. A. and M. Society, balance to credit	296 83
Great Salt Lake County, appropriation of Jan., 1860	1,000 00

## JOURNALS.

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territorial Incidental Expenses, appropriation		
Jan., 1860	\$134 00	
territorial Incidental Expenses, appropriation		
Jan., 1861	200 00	
		334 00
Books for Auditor's office, unexpended		28 00
Asa Calkin, arrears of salary as auditor for 1855		11 36
		<u>\$7,928 03</u>

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TREASURER'S REPORT.

TREASURER'S OFFICE,  
Great Salt Lake City, Nov. 18, 1861. }

To His EXCELLENCY JOHN W. DAWSON,  
GOVERNOR OF UTAH TERRITORY:

SIR:—Agreeable to the requirements of law, I have the honor of presenting the following report of receipts and disbursements of the Treasury for the fiscal year ending October 31st, 1861.

Balance in the treasury on the 1st November, 1860, as per my last annual report, as follows:

Bills receivable	- - - - -	\$855 18	
Wheat	- - - - -	808 30	
Cash	- - - - -	08	
			<u>\$1,663 56</u>

Total amount of receipts from Nov. 1st, 1860; to		
Oct. 31st, 1861	- - - - -	21,542 30
		<u>\$23,205 86</u>

Total amount of disbursements from Nov. 1st, 1860,		
to Oct. 31st., 1861	- - - - -	21,597 30
		<u>\$1,608 56</u>

Balance in the treasury on Oct. 31st, 1861

As follows:

Bills receivable	- - - - -	\$855 18
Wheat	- - - - -	753 30
Cash	- - - - -	08
		<u>\$1608 56</u>

Dec. 10.]

JOURNAL.

# **SUMMARY** *Of Receipts and Disbursements for the fiscal year ending Oct. 31st, 1860.*

## **RECEIPTS.**

Amounts received from the Assessors and Collectors of the following Counties for Taxes due in the years designated:

Counties.	1859.	1860.	1861.	Cash.	Warrants.	Grand Total.
Davis	141 29	1766 04		51 00	1856 33	1907 33
Weber		559 12		50 00	509 12	559 12
Cache		312 50		50 00	262 50	312 50
Tooele	662 32			5 25	657 07	662 32
Juab	153 55			36 55	117 00	153 55
G. S. Lake	1000 00	7924 11	5089 00		14013 11	14013 11
Millard		249 50		20 00	229 50	249 50
Sanpete		355 10		60	354 50	355 10
Iron		262 65			262 65	262 65
Washington	8 92	182 43	8 65		200 00	200 00
Beaver		228 10			228 10	228 10
Summit			72 50		72 50	72 50
Box Elder		685 02		168 60	516 42	685 02
Utah		1679 50		25 00	1654 50	1679 50
Shambip		202 00			202 00	202 00
	\$1966 08	14406 07	5170 15	407 00	21135 80	

Total amount of receipts

\$21543 30

Balance in the treasury, Nov. 1, 1860

1663 55

\$23206 85

## **DISBURSEMENTS.**

Auditor's warrants redeemed at the treasury with Cash

\$407 00

Currency

5 00

Wheat

55 00

Auditor's warrants taken on taxes

21180 30

Total amount of disbursements

\$21597 80

Balance in the treasury on 31st Oct. 1861,  
as before stated

\$1608 55

Your most obedient servant,

DAVID O. CALDER, Territorial Treasurer.

On motion of Councilor Smith, Elias Smith, Esq., was elected Public Printer for the present session.

On motion of Councilor Woodruff, one thousand copies of the Governor's Message were ordered to be printed for the use of the Assembly and for distribution.

On motion of Hon. A. P. Rockwood, seventy-five copies of the daily minutes were ordered to be printed for the use of both Houses. Also to be printed, in pamphlet form, the names and residences of the members and officers of the two Houses, the Auditor and Treasurer's reports, and the standing committees of both Houses.

On motion of Hon. John V. Long, the joint session dissolved.

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## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,

Tuesday, Dec. 10th, 1861, 10 a.m.

House met pursuant to adjournment.

Called to order by the Speaker.

Prayer by the Chaplain.

House went into joint session.

(See Joint Session minutes.)

On the Council retiring, the House resumed its session.

The Speaker appointed the following

*Standing Committees of the House:*

On *Judiciary*: Hosea Stout, Chauncey W. West, Aaron F. Farr.

On *Claims and Appropriations*: Hiram B. Clawson, Edwin D. Woolley, Albert P. Rockwood.

On *Petitions and Memorials*: Joseph A. Young, John V. Long, Albert K. Thurber.

On *Revenue*: Chauncey W. West, Hosea Stout, Horace S. Eldredge, John M. Moody.

On *Elections*: Aaron F. Farr, Silas S. Smith, Thomas Rhoads.

On *Counties*: Silas S. Smith, Benjamin F. Johnson, Peter Maughan.

On *Roads, Bridges, Ferries and Kanyons*: Bernard Snow, Thomas Rhoads, Thomas Grover, John Rowberry.

On *Education*: Albert K. Thurber, Benjamin F. Johnson, Bernard Snow.

On *Engrossing*: John V. Long, Joseph A. Young, Lorenzo H. Hatch.



- On Printing:* Hiram B. Clawson, Thomas Callister, Jonathan Midgley.
- On Agriculture, Trade and Manufactures:* Edwin D. Woolley, William Crosby, Peter Maughan, Thomas Grover.
- On Militia:* Albert P. Rockwood, Channey W. West, Thomas Callister, Edward W. Thompson.
- On Incorporations:* Joseph Holbrook, Edward W. Thompson, John Rowberry.
- On Library:* Lorenzo H. Hatch, Edward W. Thompson, Aaron F. Farr, John V. Long.
- On Public Domain and School Lands:* Horace S. Eldredge, Jonathan Midgley, John M. Moody, Joseph Holbrook, William Crosby.
- On Penitentiary:* Albert P. Rockwood, Edwin D. Woolley, Lorenzo H. Hatch.

The minutes were called for, read and accepted.

On motion, the House adjourned till to-morrow, at 11 a. m.

Benediction by the Chaplain.

WEDNESDAY, DECEMBER 11, 1861.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,

Wednesday, Dec. 11th 1861, 11 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Stout moved that the committee on Roads, Bridges and Ferries be instructed to bring in a bill providing for supervisors of roads, and a road tax to be paid in labor. Seconded and carried.

There being no business on the table, the unfinished business of last session was called on, when

(H. F. of last session No. 13) "act prescribing the manner of assessing and collecting Territorial and County taxes, was taken up and read, and

On motion of Mr. Rockwood, the bill was laid on the table indefinitely.

The remaining unfinished business was called for, when

(H. F. of last session No. 61.) "An act further defining the duties of pound-keepers and clerks of County courts," was taken up and read by its title, and

On motion of Mr. Rockwood, referred to the committee on Counties, with instructions to bring in a bill.

The minutes were called for, read and accepted.

On motion of Mr. Stout, the House adjourned till to-morrow, at 10 a.m.

Benediction by the Chaplain.

THURSDAY, DECEMBER 12, 1861.

### COUNCIL.

COUNCIL CHAMBER, Great Salt Lake City,

December 12, 1861.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Carrington moved, that the committee on memorials be instructed to draft, and at their earliest convenience report to the Council, a Memorial to Congress in relation to the admission of Utah into the Union as a State; and to embody in said Memorial the Assembly's full and cordial approbation and ratification of the doings and papers of the Convention begun and held in Great Salt Lake City, March 17, 1856, preparatory to the admission of Utah as aforesaid, which papers are now in the hand of our delegate, the Hon. Jno. M. Bernhisel.

The President instructed the committee accordingly.

Councilor Carrington moved, that a special committee of one be appointed on the part of the Council, to act with a like committee on the part of the House, to examine the vouchers for disbursements made by the Territorial Treasurer and to have authority to make such disposition of said vouchers as their judgment may dictate.

On motion of Councilor Hyde, Councilor Carrington was appointed said committee on the part of the Council.

On motion of Councilor Hyde, the Council adjourned till 1 o'clock a.m. to-morrow.

Benediction by the Chaplain.

DEC. 13.]

JOURNALS.

HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,  
December 12, 1861, 10 a.m.

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The unfinished business of last session being called for (H. F. of last session No. 50) "An act defining the boundaries of counties" was taken up and read, and

On motion of Mr. Stout, was referred to the committee on counties.

The minutes were called for, read, and accepted.

On motion of Mr. Long, the House adjourned till to-morrow at 1 p.m.

Benediction by the Chaplain.

FRIDAY, DECEMBER 13, 1861.

COUNCIL.

COUNCIL CHAMBER, G. S. L. City,  
Dec. 13th, 1861, 1 o'clock p.m.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councillor Smith, chairman of the committee on petitions and memorials, presented "Memorial for the admission of the State of Deseret into the Union," which was read, and

On motion of Councillor Benson, was adopted, and ordered to be sent to the House for its concurrence.

Minutes read and accepted.

On motion of Councillor Benson, the Council adjourned till Monday the 16th inst., at eleven o'clock a.m.

Benediction by the Chaplain.

## HOUSE

REPRESENTATIVES' HALL, G. S. L. City,

Dec. 13, 1861, 7 p.m.

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Long moved, that a committee be appointed on the part of the House, to act with the committee appointed in the Council, to examine Territorial Treasurer's vouchers for disbursements, and make such disposition thereof as they may deem proper. Seconded and carried.

Messrs. Woolley and Long were appointed said committee.

Mr. Rockwood presented, "An abstract of the account current of the Provo Canyon Road for the year ending Dec. 3, 1861," which was read, and,

On motion of Mr. Rockwood, the report and accompanying documents were referred to the committee on roads, bridges, ferries and canyons, with instructions to inquire into the subject; also to take into consideration the propriety of disposing of said road, and report.

Mr. Thompson gave notice that he would at an early day of the present session present a bill for authorizing the county surveyors to take the acknowledgment of transfers to land claims within their respective counties.

The following was received and read:

"COUNCIL CHAMBER, Dec. 13, 1861.

HON. JOHN TAYLOR, Speaker:

The Council has adopted the inclosed "Memorial for the admission of the State of Deseret into the Union," which is respectfully submitted for the action of your honorable body. Respectfully,

DANIEL H. WELLS, President.

On motion of Mr. Rockwood, the memorial was read and referred to the committee on petitions and memorials with instructions to compare the memorial with the constitution adopted March 17, 1856, and report at an early day.

Mr. Snow moved, that the committee on incorporations be instructed to take into consideration the propriety of reporting an act to repeal or modify all city charters existing under previous acts of the Legislature. Seconded and carried.

The minutes were called for, read and accepted, and,

On motion of Mr. Long, the House adjourned till Monday at

Session by the Chaplain.



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MONDAY, DECEMBER 16, 1861.

## COUNCIL.

COUNCIL CHAMBER, G. S. L. City,  
Dec. 16, 1861, 11 o'clock a.m.]

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present. U O H

Prayer by the Chaplain.

The following resolution was presented by Councilor Woodruff:

"Resolved, that the committee on appropriations are hereby instructed to include in the Territorial Appropriation Bill, the sum of two thousand five hundred dollars, to be expended in making culverts and gravelling the State road from Emigration street in Great Salt Lake City to Big Cottonwood."

On motion of Councilor Smith, the resolution was referred to the committee on roads, bridges, ferries and canyons, with instructions to confer with the county and city authorities, with a view to obtain their co-operation, and a similar appropriation on their part for the same object.

Councilor Geo. A. Smith presented, (C. F. No. 2) "An act to provide for a convention of delegates for the formation of a State Constitution."

On motion of Councilor Cummings, the bill was received and read the first time.

On motion of Councilor Richards, the bill passed its first reading, and ordered to a second reading.

Section 1 passed.

Section 2 was read, and,

On motion of Councilor Hyde, the words "an official notification" were struck out, and the words "a certificate of election" inserted in lieu thereof.

Section 3 passed as amended.

Section 3 was read, and, on motion of Councilor Woodruff, the bill was referred to the committee on petitions and memorials.

The following message was received from the House:

"The accompanying 'Memorial for the admission of the State of Deseret,' (C. F. No. 1) has been duly considered by the House of Representatives, and in lieu thereof, they have adopted the accompanying 'resolution,' which is herewith respectfully submitted for your concurrence."

JOHN TAYLOR, Speaker.

The substitute for C. F. No. 1 was read, and,  
 On motion of Councilor Cummings, was referred to the committee on petitions and memorials.  
 The minutes were read and accepted.  
 On motion of Councilor Smith, the Council adjourned till 1 o'clock p.m. to-morrow.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,

Dec. 16, 1861, 1 p.m.

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Thompson presented,

(H. F. No. 1) "An act authorizing the County Surveyors to take the acknowledgment of transfer of land claims," which was read, and,

On motion of Mr. Rowberry, the bill was referred to the committee on judiciary.

Mr. Hatch, chairman of committee on library, presented the following report:

TO THE HON. COMMITTEE OF THE HOUSE

OF REPRESENTATIVES FOR THE TERRITORY OF UTAH:

GENTLEMEN:—In making a report of the library for 1861, I have to notify that there has been added to the catalogue of books

By Ex-Governor Cumming - 47 vols.

Secretary F. Fuller - 21 "

From the Department of the Interior - 19 "

From the Department of the Interior - 10 maps.

Donated by the Hon. Mrs. Cumming - 10 vols.

by the Ex-Secretary F. H. Wootton - 1 "

by John C. James, late member of

the Legislature - 1 "

Sent by Government and donated, making a total of 109 vols.

The present report of the library stands in the same state as reported for the year 1860. (See Librarian's report,) "Journal of the Legislative Assembly for 1860 and '61, page 91."

Dec. 16.]

JOURNAL.

Nearly one hundred volumes are laid past for your inspection, to be bound and repaired.

The library stands also in need of a note or entry-book, alphabetically arranged, and other stationery, brooms, brushes, etc.

Yours respectfully to command,

JOHN LYON, Librarian.

G. S. L. City, Dec. 16, 1861.

Said committee on library also reported that, upon an examination into the condition of the books of said library, they found about one hundred volumes that required to be rebound and otherwise repaired; also, there was wanted a blank alphabetical book, for the use of the office, together with stationery, brooms, brushes, etc.; and recommended the appropriation of the sum of \$125 for to defray the said necessary expenses.

Mr. Snow moved, that the report of the committee on library, also, the librarian's report be accepted, and the committee on claims and appropriations be instructed to incorporate in the general appropriation bill the sum of one hundred and twenty-five dollars, to be expended under the direction of the librarian. Seconded and carried.

Mr. Young, chairman of committee on petitions and memorials, to whom was referred (C. F. No. 1,) "Memorial for the admission of the State of Deseret," reported adversely, and presented a substitute, which was read, and,

On motion of Mr. Stout, was adopted.

Mr. Stout presented,

(H. F. No. 2) "An act in relation to attachments and garnishments," which was read, and,

On motion of Mr. Young, was received, and fifty copies ordered to be printed for the use of the Assembly.

Mr. Rockwood moved, that the committee on education be instructed to obtain from the Territorial Superintendent of Common Schools a report of the situation of the common schools in the Territory, and report at an early day. Seconded and carried.

The minutes were called for, read, and accepted.

On motion of Mr. Young, the House adjourned till to-morrow at 1 p.m.

Benediction by the Chaplain.

TUESDAY, DECEMBER 17, 1861.

**COUNCIL.**

COUNCIL CHAMBER, G. S. L. City,  
Dec. 17, 1861, 1 o'clock p.m.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:

MR. PRESIDENT:—I have the honor to inform you that the House have appointed a special committee of three, to act in conjunction with a like committee from the Council, "to take into consideration the first seven pages, and part of the eighth page of the Governor's Message," and to consider the propriety of calling a convention to frame a Memorial and Constitution praying for the immediate admission of Utah as a State into the Union on an equal footing with the original States.

JOHN TAYLOR, Speaker.

On motion of Councilor Hess, the action of the House was concurred in, and the President appointed Councilors Smith, Carrington and Hyde a committee to act in conjunction with the House committee on the subjects above referred to.

Councilor Hyde presented, petition from Wm. A. Hickman, praying for a charter for a turnpike road across the Western Desert, which was read, and,

On motion of Councilor Benson, was referred to the committee on incorporations.

Councilor Carrington, on behalf of the special committee, reported that they had met with the committee of the House, and had taken into consideration that portion of the Governor's Message referred to; also the propriety of calling a convention to frame a Memorial and Constitution praying for the immediate admission of Utah as a State into the Union, and reported back (C. F. No. 2) with amendments, which was read the second time by sections, and,

On motion of Councilor Harrington, passed as amended.

The bill was read the third time, and,

On motion of Councilor Richards, the title was amended by striking out the word "State" from before the word "Constitution," and by adding the words "and State Government" after the word



Constitution, and so the bill passed, and was sent to the House for their concurrence.

Councilor Smith, chairman of the committee on petitions and memorials, to whom was referred "House Substitute" for (C. F. No. 1) "Memorial for the admission of the State of Deseret," reported the same back with amendments, which was read as amended.

On motion of Councilor Spencer, was adopted, and ordered to be sent to the House for concurrence in the amendments.

On motion of Councilor Smith, the committee on revenue was instructed to take under consideration the 2d paragraph on the 8th page of the Governor's Message in relation to "An act to provide increased revenue from imports to pay interest on the public debt, and for other purposes," approved Aug. 5, 1861, and report at an early day by bill or otherwise.

The minutes were read and accepted.

On motion of Councilor Benson, Council adjourned till 1 p.m. tomorrow.

Benediction by the Chaplain.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,

Dec. 17, 1861, 1 p.m.

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The Speaker referred the several portions of the Governor's Message to their appropriate committees, viz.:

"As the first seven, and part of the eighth pages of the Governor's Message are an exposition of his Excellency's views relative to the origin and causes of the war, the present position of the belligerent parties, the prospects, resources and power of the Federal Government to cope with and overcome the Confederate forces and restore the disaffected States to their former position and allegiance; and referring to the position that Utah ought to occupy in the present unnatural struggle; all of which not coming within the purview of our ordinary course of legislation, I would respectfully suggest that the most appropriate committee to which it can be referred will be a special committee, which it would be well to appoint to confer with a like committee to be appointed by the Council, to consider the propriety of calling a convention to frame a Memorial and Con-

stitution praying for the immediate admission of Utah as a State into the Union, on an equal footing with the original States.

The 2d par. 8th page, is referred to the committee on revenue.

The 3d to the 6th par. inclusive, 8th page, is referred to the committee on petitions and memorials.

The first part of the 7th par. on the 8th page is referred to the committee on judiciary; and the latter part of the said par. on the 9th page, is referred to the committee on counties; and the two are requested to confer together in relation to the present boundaries.

The first, second, third and fourth paragraphs on page 9, are referred to the committee on education.

The fifth par. page 9, to the committee on penitentiary.

The sixth par. page 9, to the committee on claims, and appropriations."

Mr. Stout moved, that a special committee be appointed to confer with a like committee to be appointed by the Council in relation to the first seven and part of the eighth pages of the Governor's Message. Seconded and carried.

The Speaker appointed Messrs. Stout, West and Snow said special committee.

The following message and accompanying report were received and read:

HON. JOHN TAYLOR, SPEAKER, AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—In compliance with an act of the Legislative Assembly of the Territory of Utah, approved Jan. 20, 1860, inclosed you will find a brief report of the condition of the Utah Penitentiary, the number of convicts, their condition, when, for what, and how long sentenced, specifying how many Territorial; the fiscal affairs; also, the avails arising from the labor of convicts, and an approximate estimate of the means necessary to defray expenses for the ensuing year.

We have the honor to be, very respectfully, your obedient servants,

FERAMORE LITTLE,

FREDERICK KESLER,

E. R. Young,

} Directors of the Utah  
Penitentiary.

MR. SPEAKER AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—The cells of the Utah Penitentiary have been considerably improved; the balance of the buildings are in about the same condition as they were at the time of our last report.

On the 14th of Dec., 1860, the date of last report, there was one U. S. and eight Territorial prisoners in the Utah Penitentiary.

David McKenzie, U. S. prisoner, released Feb. 6th, 1861, on a writ of error from Chief Justice J. F. Kinney.

Theodore Thorp, Territorial prisoner, released on bail, Feb. 5th, 1861.

Moses Clarke, released from the Penitentiary Feb. 22d, 1861, by pardon from his Excellency, A. Cumming, Governor of Utah Territory.

James Graham, escaped from the Penitentiary on the 14th Feb., 1861, at night; brought back March 13th, and released from the Penitentiary March 19th, 1861, by pardon from his Excellency, A. Cumming, Governor of Utah Territory.

William Riley Green, escaped from the Penitentiary on the night of the 14th Feb., 1861; brought back April 6th.

John Laird, jun., escaped from the Penitentiary Feb. 14th, 1861, at night, voluntarily came back May 1st, 1861.

Delos M. Gibson, escaped from the Penitentiary Feb. 14th, 1861, at night, brought back on the 23d day of July.

Peter B. Clarke and Schoohe-he-ka, an Indian, escaped from the Penitentiary Feb. 14th, 1861, and are still at large.

From Dec. 14th, 1860, to Dec. 10th, 1861; four Territorial prisoners have been received in the Penitentiary, viz:

Jonathan Hoops, sentenced to the Penitentiary July 12th, 1861, for larceny, for the term of eighteen months.

John Ormond, sentenced to the Penitentiary Sept. 14th, 1861, for assault with intent to kill, for the term of fifteen months.

Charles and Ernelove Manhard, sentenced to the Penitentiary Sept. 14th, 1861, for robbery, for the term of fifteen years.

Jonathan Hoops, taken from the Penitentiary Dec. 11th, to appear before Justice Crosby at Provo city, on writ of habeas corpus. Leaving six Territorial prisoners now in the Utah Penitentiary.

There has been but little sickness amongst the convicts during the past year; their general health at present is good.

*Total Amount of Expenditure to Dec. 18th, 1861.*

Amount for guard service, drawn in favor of A. McRae,	
from Dec. 14th to Feb. 1st	\$350 00
Amount for supplies, drawn in favor of A. McRae,	
warden, from Dec. 14th to Feb. 1st	200 00
Amount for guard service; J. A. Little, warden	1,338 00
Clothing	136 50
"    Bedding	69 75
"    Supplies	12 25

Amount for Provisions	663.30
" Ammunition	10.40
" Cooking utensils and stove	81.25
" Arrest of prisoners	152.00
" Stationery	2.10
" Fire wood	187.97
" Repairs on Penitentiary	78.40
" Irons for prisoners	7.00
" Manufacture of baskets	12.00
" Lantern	5.00
" Clock	10.00
" Use of team	2.50
" Relief of warden	773.39
	<hr/>
	\$4,265.11
By amount of appropriation for 1861	\$5,000.00
Expenditure brought down	4,265.11
	<hr/>
Amount of appropriation not used	\$734.89
Provisions, wood and clothing on hand	\$490.44
Amount received for labor of convicts, as per Warden's report	175.00
(This amount charged to Warden in his account)	
Probable amount of appropriation required from January 20th, 1862, to January 20th, 1863	5,000.00

We respectfully submit this report for your consideration,

FERAMORZ LITTLE,  
E. R. YOUNG,  
FREDERICK KESLER,

} Directors of Utah  
Penitentiary.

On motion of Mr. West, the report of the Directors of the Penitentiary was referred to the committee on penitentiary.

On motion of Mr. Stout, fifty copies of the report of the Directors of the Penitentiary, also the Librarian's report were ordered to be printed in pamphlet form for the use of both houses of the Assembly.

A petition was received and read from Philander Bell, Dry Creek, asking for the privilege of keeping a public house, with the liberty of selling spirituous and malt liquors, etc., which,

On motion of Mr. Stout, was referred to the committee on public domain and school lands.

Mr. Stout, chairman of committee on judiciary, to whom was referred

(H. F. No. 1.) "An act authorizing the County Surveyors to



take the acknowledgment of transfer of land claims," reported that they had taken into consideration said bill and deemed legislation thereon inexpedient.

On motion of Mr. Woolley, the report was received and the committee discharged from further consideration of the subject.

The following message was received and read:

"COUNCIL CHAMBER, Dec. 17, 1861.

HON. JOHN TAYLOR, SPEAKER, ETC.

The Council has concurred in your action with regard to a special committee, and have appointed Councilors Smith and Hyde a committee to act in conjunction with that of the House.

Respectfully,

DANIEL H. WELLS, President.

Mr. Snow presented the following report from the chairman of joint committee:

"TO THE HON. SPEAKER AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—The joint committee to whom was referred the first seven and a part of the eighth pages of the Governor's Message report that they have taken into consideration that part of said reference calling a convention to form a constitution for the admission of Utah into the Union, and find that a bill is now pending in the Council for the purpose of calling said convention. The immediate passage of said bill we would respectfully recommend.

GEO. A. SMITH, Chairman."

The minutes were called for, read and accepted.

On motion, the House adjourned till to-morrow at 1 p.m.

Benediction by the Chaplain.

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WEDNESDAY, DECEMBER 18, 1861.

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## COUNCIL.

COUNCIL CHAMBER, G. S. L. City, }  
Dec. 18, 1861, 1 o'clock p.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Woodruff presented.

(C. F. No. 3) "An act concerning the collection and payment by the Territory of Utah, her apportionment of the direct tax, apportioned by Act of Congress, approved Aug. 5, 1861, which was read, and,

On motion of Councilor Richards, passed its first reading. Councilor Smith presented,

(C. F. No. 4) "Memorial to Congress for the donation of public lands to settlers, and for educational purposes," which was read, and,

On motion of Councilor Snow, was adopted, and ordered to be sent to the House for concurrence.

Councilor Woodruff presented,

(C. F. No. 5) "Resolution concerning the printing of the Journal," which was read, and,

On motion of Councilor Benson, read the second time, and,

On motion of Councilor Smith, was read the third time, and passed, and was ordered to be sent to the House for its concurrence.

Councilor Richards moved, that the Governor be requested to inform the Legislative Council if the Government intends stationing troops in Utah for the protection of the stations and property of the Overland Mail Company, or for any other purposes. Carried.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, G. S. L. City,  
Dec. 18, 1861.

HON. DANIEL H. WELLS, PRESIDENT:

The House have passed the bill (C. F. No. 2) "An act to provide for a convention of delegates for the formation of a Constitution and State Government," with the following amendments, viz:

Sec. 1, line 5, by substituting the figure "6" in lieu of "13." By adding the words "and which shall also show the number of votes for and against a convention," at the close of Sec. 2, and inserting after the words "January, 1862, and" in Sec. 3, "if it shall appear by the returns from the several counties that the majority of the people are in favor of a convention, they" and substituting the word "third" in lieu of the word "fourth" in the second line of said Sec. 3, to which amendments the concurrence of the Council is respectfully requested.

JOHN TAYLOR, Speaker

The bill (C. F. No. 2) "An act to provide for a convention of delegates for the formation of a Constitution and State Government" was read as amended, and,

On motion of Councilor Cummings, the Council concurred in the amendments.

On motion of Counselor Benson, the Council adjourned till 1 p.m. to-morrow.

Benediction by the Chaplain.

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## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,  
Dec. 18, 1861, 1 p. m. }

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

A message was received and read from the Council announcing the passage of

(C. F. No. 2) "An act to provide for a convention of delegates for the formation of a Constitution and State Government."

Said bill was taken up and read, and,

On motion of Mr. Stout, passed its first reading.

A message was received from the Council and read, announcing their concurrence in "Memorial for the admission of the State of Deseret," with certain specified amendments.

Said memorial was taken up and read as amended, and,

On motion of Mr. Thurber, was adopted as amended.

Mr. Holbrook, chairman of committee on incorporations, to whom was referred the motion of Mr. Snow on the 13th inst., to take into consideration the propriety of reporting an act to repeal or modify all city charters, reported,

(H. F. No. 8) "An act to repeal certain city charters," which, was taken up, and read, and,

On motion of Mr. Stout, the report of the committee was received, and the bill laid on the table to come up in its order.

The oldest bill on the table being called up,

(C. F. No. 2) "An act to provide for a convention of delegates for the formation of a Constitution and State Government," was taken up on its second reading by sections, and,

On motion of Mr. Stout, the fifth line in the first section was amended by inserting the "6th" in lieu of the "13th," and so passed.

On motion of Mr. Stout, the 2d section was amended by appending thereto the words, "and which shall also show the number of votes for and against a convention," and was so passed.

On motion of Mr. Snow, the words "fourth Monday," in the 2d section, was stricken out, and the words "third Monday" were inserted instead.

On motion of Mr. Young, the following words were inserted in sec. 3, line 3, after the words and figures "January, 1862, and," "if it shall appear by the returns from the several counties that the majority of the people are in favor of a convention, they," and so passed.

On motion of Mr. West, the 4th section passed.

On motion of Mr. Woolley, the 5th section passed.

On motion of Mr. Grover, the bill passed its second reading as amended.

A message was received from the Council and read, informing the House of their adoption of "Memorial to Congress for the donation of public lands to settlers and for educational purposes."

Said memorial was taken up, and read, and,

On motion of Mr. Stout, the House concurred in the adoption thereof.

(C. F. No. 5) "Resolution concerning the printing of the Journals," which was passed by the Council, was taken up and read, and,

On motion of Mr. Clawson, was referred to the committee on judiciary.

Mr. Stout, chairman of committee on judiciary, to whom was referred

(C. F. No. 5) "Resolution concerning the printing of the Journals," reported back the same and recommended its passage.

On motion of Mr. West, the House concurred in the adoption of said resolution.

(C. F. No. 2.) "An act to provide for a convention of delegates for the formation of a Constitution and State Government," was called up on its third reading, and,

On motion of Mr. Young, passed its third reading.

Said bill was read by its title and so passed, and was ordered to be sent to the Council for their concurrence in the amendments.

The minutes were called for, read and accepted.

On motion, the House adjourned till to-morrow at 1 p.m.

Benediction by the Chaplain.



THURSDAY, DECEMBER 19, 1861.

COUNCIL.

COUNCIL CHAMBER, G. S. L. City,  
Dec. 19th, 1861, 1 o'clock p.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:

"The House has concurred in your amendments to the 'Memorial for the admission of the State of Deseret.'

They have also concurred in the following (C. F. No. 4) 'Memorial to Congress for the donation of public lands to settlers and for educational purposes.'

(C. F. No. 5) 'Resolution concerning the printing of the Journals.'

The two latter are respectfully returned to be engrossed. Respectfully,  
JOHN TAYLOR, Speaker."

A communication was received from His Excellency the Governor respectfully informing the Legislative Council that he had no information in his possession relative to the subject of inquiry.

Councilor Benson moved, that the Honorable Mr. Fuller, Secretary of the Territory, be requested to furnish the members and officers of this Legislative Assembly with one copy each of the *Deseret News* during its present session. Carried.

Councilor Smith presented, "Memorial to Congress for semi-weekly mail service from Fillmore to San Bernardino, California," which was read, and,

On motion of Councilor Harrington, was adopted and ordered to be sent to the House for concurrence.

Councilor Snow presented,

(C. F. No. 7) "Resolution to examine a route for and establish a Territorial road," which was read, and,

On motion of Councilor Richards, was referred to the committee on roads, bridges, ferries and canyons.

On motion of Councilor Smith, Council adjourned till to-morrow at 1 o'clock p.m.

Benediction by the Chaplain.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City, }  
Dec. 19, 1861, 1 p.m. }

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

(H. F. No. 3) "An act to repeal certain city charters" was taken up on its first reading, and,

On motion of Mr. West, passed its first reading.

Mr. Thurber moved, that the committee on elections be instructed to report, at an early day, the number and kind of offices to be filled by the joint vote of this Legislative Assembly. Seconded and carried.

Mr. Smith, chairman of committee on counties, to whom was referred,

(H. F. of last Session, No. 61,) with instructions to bring in a bill, reported, (H. F. No. 4) "An act further defining the duties of stray-pound keepers and for other purposes," and recommended its passage.

On motion of Mr. West, the report was received, and fifty copies of the bill were ordered to be printed for the use of both Houses of the Assembly.

Mr. Rockwood moved, that the committee on printing wait upon the Honorable, the Secretary of the Territory, and request him, in the name of the House of Representatives, to furnish each member and officer thereof with a copy of the current volumes of the weekly papers published in the Territory. Seconded and carried.

The oldest bill on the table being called up,

(H. F. No. 3) "An act to repeal certain city charters," was taken up on its second reading, by sections, and,

On motion of Mr. Long, the 1st Section passed.

On motion of Mr. Long, the 2d Section passed.

On motion of Mr. Thurber, the word "Aldermen" was inserted in the 3d Section, fourth line, after the word "Mayors."

On motion of Mr. Hatch, the 3d Section passed as amended.

Mr. West voted against the passage of each Section of said bill and wished his vote entered on the Journals of the House.

The minutes were called for, read and accepted.

On motion of Mr. Long, the House adjourned till to-morrow at p.m.

Benediction by the Chaplain.

FRIDAY, DECEMBER 20, 1861.

## COUNCIL.

COUNCIL CHAMBER, G. S. L. City, }  
Dec. 20th, 1861, 1 o'clock p.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Snow presented petition from the Mayor and City Council of Great Salt Lake City, praying for an amendment of the Charter of Great Salt Lake City, which was read, and,

On motion of Councilor Smith, was referred to the committee on incorporations, with instructions to report a bill making the required amendments to the Charter.

Councilor Hyde, chairman of the committee on roads, bridges, ferries and kanyons, to whom was referred (C. F. No. 7) "Resolution to examine a route for, and establish a Territorial road," reported favorably to the passage of said resolution; said resolution was taken up and read, and,

On motion of Councilor Smith, passed to its second reading; read the second time, and,

On motion of Councilor Smith, was amended.

On motion of Councilor Carrington, the resolution was further amended.

On motion of Councilor Richards, the resolution was referred back to the committee on roads, bridges, ferries and kanyons, with instructions to present a bill authorizing the Territorial Road Commissioner to locate a road in Davis, Weber and Box Elder counties.

The following message was received from the House:

"The House has concurred in the accompanying (C. F. No. 6) 'Memorial to Congress for semi-weekly mail service from Fillmore to San Bernardino, California,' which is herewith returned to be engrossed.

JOHN TAYLOR, Speaker."

(C. F. No. 2) "An act concerning the collection and payment by the Territory of Utah, her apportionment of the direct tax, apportioned by act of Congress, approved Aug. 5, 1861," being called for, was taken up on its second reading, and, pending its consideration,

The minutes were called for, read and accepted.

On motion of Councilor Benson, the Council adjourned till Monday at 1 o'clock p.m.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City, }  
Dec. 20th, 1861, 1 p. m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

A message was received from the Council, inclosing

(C. F. No. 6) "Memorial to Congress for semi-weekly mail service from Fillmore to San Bernardino, California," which had been adopted by the Council and forwarded for the action of the House.

Said memorial was taken up, read and,

On motion of Mr. Stout, adopted.

The oldest business on the table being called up,

(H. F. No. 3) "An act to repeal certain city charters," was taken up on its third reading, and,

On motion of Mr. Maughan, the further consideration of the bill was postponed till the third day of January, 1862.

Mr. Rockwood moved, that the committee on education be instructed to take into consideration the propriety of creating the office of Territorial Historian. Seconded and carried.

Mr. Clawson, in behalf of committee on printing, who were instructed to wait upon the Honorable the Secretary of the Territory, and request him in the name of the House of Representatives to furnish each member and officer thereof with a copy of the current volumes of the weekly papers published in the Territory, reported that they had waited upon the Honorable, Secretary and made the request, when his honor informed them that he did not feel at liberty to furnish the current volume of the papers published in this Territory, but would take pleasure in furnishing the *Deseret News* to the members and officers of the House of Representatives during the present session.

On motion of Mr. Long, the report was accepted, and the committee discharged from further duties on the subject.

Mr. Farr, chairman of committee on elections, reported a list of the number and kind of offices made elective by joint vote of the Legislative Assembly, which was read, and,

On motion of Mr. Rockwood, was referred back for further consideration.

The minutes were called for, read and accepted.

On motion of Mr. Long, the House adjourned till Monday at 1 p.m.

Benediction by the Chaplain.



MONDAY, DECEMBER 23, 1861.

## COUNCIL.

COUNCIL CHAMBER, G. S. L. City, }  
Dec. 23, 1861, 1 p.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Smith presented,

(C. F. No. 9) "Memorial to Congress for an act authorizing treaties with Indians and the extinguishment of the Indian title," which was read, and,

On motion of Councilor Hyde, was adopted.

Councilor Hyde, chairman of the committee on roads and bridges, to whom was referred (C. F. No. 7) "Resolution to examine a route for and establish a territorial road," reported back said bill by substitute (C. F. No. 8) "An act to establish a road in Davis, Weber and Box Elder counties," which was read, and,

On motion of Councilor Smith, passed to its second reading.

The bill was read a second time, and,

On motion of Councilor Richards, passed to its third reading by its title.

On motion of Councilor Benson, the bill so passed, and was ordered to be sent to the House for concurrence.

Councilor Hyde, chairman of the committee on roads, bridges, ferries and kanyons, to whom was referred (C. F. No. 1) "Resolution appropriating two thousand five hundred dollars to be expended on the State Road between Great Salt Lake City and Big Cottonwood," reported progress and asked for further time.

On motion of Councilor Smith, the report was received and further time granted said committee.

(C. F. No. 3) "An act concerning the collection and payment by the Territory of Utah her apportionment of the direct tax, apportioned by act of Congress and approved August 5th, 1861," being called for was read the second time, and,

On motion of Councilor Woodruff, the bill was again postponed for further consideration.

Councilor Cummings, on behalf of the committee on incorporations, to whom was referred the petition of the Mayor and City Council of Great Salt Lake City, presented the following report:

TO THE HON. THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE TERRITORY OF UTAH:

GENTLEMEN:—The committee on incorporations, to whom was referred the petition of the Mayor and City Council of Great Salt Lake City, praying for an amendment to said city charter, have duly considered the petition, and submit the accompanying bill and recommend its passage (C. F. No. 10) "An act to amend an act to incorporate Great Salt Lake City, approved Jan. 20, 1860."

On motion of Councilor Smith, the report was received and the bill read the first time.

On motion of Councilor Cummings, the bill passed to its second reading.

On motion of Councilor Spencer, the bill passed its third reading by its title, and was ordered to be sent to the House for its concurrence.

The following communications were received from His Excellency the Governor:

"EXECUTIVE OFFICE, G. S. L. City, }  
Dec. 21, 1861. }

SIR:—A bill (C. F. No. 2) entitled 'An act to provide for a convention of delegates for the formation of a Constitution and State Government,' which passed the House of Representatives of this Territory, on the 17th inst., and was concurred in by the Council, on the 18th inst., was submitted to me on the 19th, for executive action, and having been by me duly considered, is herewith returned to the Council in which it originated, *without my approval*.

Subjoined are my reasons for my course in this behalf:

The time which intervenes the passage of the act, and that fixed in the act itself, viz., Jan. 6, 1862, on which to take the sense of the electors of the Territory, 'for or against' a convention, and authorizing them to vote for such persons as they may wish to elect delegates to such convention, is too short to allow the act to be officially submitted to the Congress of the United States for the action of that body thereon; without which submission, in my opinion, it can not take effect, as will be seen by reference to the last clause of the 6th section of the act of Congress, entitled 'An act to establish a Territorial Government for Utah,' approved 9th Sept., 1850, which clause is herein embodied, viz., 'All laws passed by the Legislative Assembly and Governor shall be submitted to the Congress of the United States, and if disapproved, shall be null and of no effect.'

The same objection lies to the bill so far as it relates to the time fixed, to wit: the third Monday of Jan., 1862, on which to hold

the proposed convention; besides which reasons, the subject is, in my opinion, of too much consequence to put it so hastily before the electors of the Territory, and requiring a vote thereon, without even giving a large number of them any notice of the passage of the act, and the whole not a sufficiency of time wherein to canvas the expediency of such an important step at this time.

Another objection, in my opinion, lies to the bill, viz., it proposes to fix the boundaries of the State, while that power belongs exclusively to the Congress of the United States.

Finally, recurring to the practice of the early territories of the United States, I find that such territories memorialized Congress for an act enabling them to elect delegates and hold a convention to form a constitution preparatory to admission into the Union, and that such a course was not attended with difficulties with which a departure therefrom has been attended in later years; and to this end and to avoid difficulties like unto those which form a serious page in late territorial history, and as a course most likely to facilitate the end which the Legislative Assembly seem to desire, and to bring the whole matter before Congress and this people, I recommend that the Assembly make application to Congress for the passage of an act enabling it to elect delegates to hold a convention and form a Constitution preparatory to the admission of the Territory of Utah into the Union, in accordance with the Organic Act.

I am, sir, in high consideration,

Yours respectfully,

JOHN M. DAWSON, Gov. of U. T.

TO HON. D. H. WELLS, President of the Council  
of the Legislative Assembly of Utah Territory."

"EXECUTIVE OFFICE, G. S. L. City, }  
Dec. 23, 1861.

SIR:—I have approved and signed 'A resolution concerning the printing of the Journals,' also the 'Memorial to Congress for the donation of public lands to settlers and for educational purposes.

Very respectfully, yours,

JOHN W. DAWSON.

Hon. D. H. Wells, President."

"EXECUTIVE OFFICE, G. S. L. City, }  
Dec. 21, 1861.

SIR:—The Memorial of the Legislative Assembly of the Territory, which relates to the admission of Utah Territory into the Union, passed by the Council on the 18th inst., and concurred in by the House of Representatives on the 19th inst., having been sub-

mitted to me for executive action, is herewith returned to the Council without my approval; nor does such an instrument need the approval of the Executive of the Territory to give it effect.

However, were my approval necessary, I could not give it to this Memorial, because it is not accompanied by a State Constitution, without which there would be nothing on which to base Congressional action thereon. A State Constitution is an indispensable prerequisite to such an application for admission, that Congress may judge if it be Republican in form and not incompatible with the Federal Constitution.

Very respectfully, yours,

JOHN W. DAWSON.

Hon. D. H. Wells, President."

"HOUSE OF REPRESENTATIVES,  
23d Dec., 1861. }

HON. D. H. WELLS, PRESIDENT:

The House of Representatives have concurred in (C. F. No. 9) 'Memorial to Congress for treaties with Indians, etc.,' which is herewith returned for the further disposition by the Council.

JOHN TAYLOR, Speaker."

The minutes were called for, read and accepted.

On motion of Councilor Benson, the Council adjourned till 1 p.m. to-morrow.

Benediction by the Chaplain.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City, }  
'Dec. 23, 1861, 1 p.m.

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Snow, in behalf of committee on roads, bridges, ferries and kanyons, who were instructed to report an act in relation to roads providing for a tax to be paid in labor, having duly considered the matter, respectfully submitted the accompanying acts, and recommended their passage:

(H. F. No. 5) "An act repealing a portion of an act in relation to the judiciary."



(H. F. No. 6) "An act repealing an act incorporating the city of Palmyra, and certain sections in several other acts of incorporation."

(H. F. No. 7) "An act providing for a poll tax for road purposes," which were read respectively, and,

On motion of Mr. Long, the report of the committee was accepted, and the bills laid on the table to come up in their order.

The following communication from Theodore McKean, Esq., Territorial Road Commissioner, was read:

TO THE HON. THE LEGISLATIVE ASSEMBLY  
OF THE TERRITORY OF UTAH:

GENTLEMEN:—I have the honor to present a statement of the amount expended in the erection of Jordan and Weber bridges, together with a report of the Territorial roads located and improved since my last report.

There has been expended for the erection of Jordan Bridge, ten thousand nine hundred and sixty-eight 43.100 dollars, as per statements Nos. 1 and 2, herewith presented, leaving a balance of the Territorial appropriation unexpended of eighteen 86.100 dollars.

The Weber Bridge has been erected at a cost of six thousand one hundred and seven 05.100 dollars, as per Statement No. 3, which has exceeded the amount appropriated eleven hundred and seven 05.100 dollars.

I have located a Territorial road from the eastern terminus of Great Salt Lake City and Weber road down the Weber river to the mouth of Echo Canyon, and have notified those interested to have the same opened by the first day of May next.

Since my last report, President D. H. Wells has expended on Great Salt Lake City and Weber road, three thousand eight hundred and twenty-nine 85.100 dollars, which, with the balance of his account, after deducting the Territorial and Great Salt Lake county appropriations, amounts to seven thousand eight hundred and ninety-four 25.100 dollars, as per Statement No. 4.

I would respectfully recommend that appropriations be made by your honorable body to cancel the amount expended on the Weber Bridge, to reimburse President D. H. Wells for the amount he has expended on Great Salt Lake City and Weber road, for a bridge over the Weber at the terminus of said road, and to improve the road recently located down the Weber river to Echo Canyon.

Respectfully,

THEODORE MCKEAN,  
Road Commissioner.

G. S. L. City, Dec. 19, 1861.

**STATEMENT No. 1 and 2.****JORDAN BRIDGE:**

To amount paid for rock	-	-	-	-	-	\$977 87
" " " hauling, etc.	-	-	-	-	-	119 25
" " " blacksmith work, etc.	-	-	-	-	-	1,528 04
" " " Lime	-	-	-	-	-	284 00
" " " Lumber	-	-	-	-	-	3,906 00
" " " Labor, etc.	-	-	-	-	-	4,203 27
						<u>\$10,968 43</u>

**STATEMENT No. 3.****WEBER BRIDGE:**

To amount paid for putting in abutments	-	-	\$1,300 00
" " " Lumber, labor, blacksmith work, etc.	-	-	4,807 05
			<u>\$6,107 05</u>

**STATEMENT No. 4.****G. S. L. CITY AND WEBER ROAD:**

Amount expended on the same in 1860	-	-	\$10,064 40
" " " " 1861	-	-	3,829 85
			<u>\$13,894 25</u>
Deduct appropriation	-	-	6,000 00
			<u>\$7,894 25</u>
Balance	-	-	

On motion of Mr. Long, the Territorial Road Commissioners' report, with accompanying Statements, were referred to the committee on claims and appropriations.

The following bill was received from Daniel Carn, ex-Warden of the Utah Penitentiary, and read:

THE TERRITORY OF UTAH, Dr.

To DANIEL CARN,

For three years' services as Warden of the Utah Penitentiary, viz.: the years 1857, 1858 and 1859, for which I have as yet received no remuneration; my said services, estimated at \$1,000 per annum, is - - \$3,000

In consequence of the bill presented by me during the Session 1860-61 being lost or mislaid, I have thought best to present the same again as above. Respectfully,

DANIEL CARN.

On motion of Mr. Young, said bill was referred to the committee on claims and appropriations.

Mr. Long presented, "Petition for removal of a fish trap in Utah county," which was read, and,

On motion of Mr. Stout, was referred to the committee on public domain and school lands, with instructions; also authority to call for persons and papers.

The following was received, and read:

"COUNCIL CHAMBER,  
Great Salt Lake City, Dec. 23, 1861.

HON. SPEAKER AND HOUSE OF REPRESENTATIVES:

The accompanying act and memorial have passed the Council, and are respectfully submitted for your concurrence:

(C. F. No. 8) 'An act to establish a road in Davis, Weber and Box Elder counties.'

(C. F. No. 9) 'Memorial to Congress for an act authorizing treaties with Indians, and the extinguishment of the Indian title.'

Respectfully,

DANIEL H. WELLS, President."

(C. F. No. 8) "An act to establish a road in Davis, Weber and Box Elder counties," was taken up and read, and,

On motion of Mr. Rockwood, the bill was referred to the committee on roads, bridges, ferries and kanyons.

(C. F. No. 9) "Memorial to Congress for an act authorizing treaties with Indians, and the extinguishment of the Indian title," was taken up and read, and,

On motion of Mr. Stout, the House concurred in the adoption thereof.

The oldest business on the table being called up,

(H. F. No. 2) "An act in relation to attachments and garnishments," was taken up on its first reading, and,

On motion of Mr. Rockwood, passed its first reading.

A message was received from the Council, and read, inclosing,

(C. F. No. 10) "An act to amend 'an act to incorporate Great Salt Lake City,' approved Jan. 20, 1860."

Said bill was taken up and read, and,

On motion of Mr. Long, passed its first reading.

(H. F. No. 4) "An act further defining the duties of stray-pound keepers, and for other purposes," was taken up on its first reading, and,

On motion of Mr. Stout, passed its first reading.

(H. F. No. 5) "An act repealing a portion of 'an act in relation to the judiciary,'" was taken up and read, and,

On motion of Mr. Stout, passed its first reading.

(H. F. No. 6) "An act repealing an act incorporating the city of Palmyra, and certain sections in several other acts of incorporation," was taken up on its first reading, and,

On motion of Mr. Rockwood, passed its first reading.

(H. F. No. 7) "An act providing for a poll tax for road purposes," was taken up on its first reading, and,

On motion of Mr. Rowberry, passed its first reading, and fifty copies thereof were ordered to be printed for the use of the Legislative Assembly.

Messages from his Excellency, Governor Dawson, were received, through the courtesy of the Council, and read:

First. In relation to (C. F. No. 2) "An act to provide for a convention of delegates for the formation of a Constitution and State Government," assigning his reasons for the non-approval thereof.

Second. His approval of "Memorial to Congress for the donation of public lands to settlers and for educational purposes."

Third. In relation to "Memorial for the admission of Utah Territory into the Union," assigning his reasons for non-executive action thereon.

The minutes were called for, read and accepted.

On motion of Mr. Woolley, the House adjourned till to-morrow at 1 p.m.

Benediction by the Chaplain.

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TUESDAY, DECEMBER 24, 1861.

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COUNCIL.

COUNCIL CHAMBER, G. S. L. City,  
Dec. 24th, 1861, 1 o'clock p.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Benson, chairman of the committee on elections, made the following report:

"Your committee on elections, to whom was referred the motion of Councilor Smith, in relation to the number and kind of officers



to be elected by the joint vote of the Legislative Assembly, respectfully report the following, viz.:

One chancellor and twelve regents of the Deseret University;

One treasurer of the University;

One Territorial treasurer;

One auditor of public accounts;

One Territorial road commissioner;

One Territorial marshal;

One attorney general;

One district attorney for the first judicial district;

“ “ second “

One Territorial surveyor-general;

One librarian;

One recorder of marks and brands;

One warden of the Penitentiary;

Three directors of the Penitentiary;

One sealer of weights and measures;

One probate judge and one notary public for Washington county;

“	“	“	Iron	“
“	“	“	Beaver	“
“	“	“	Millard	“
“	“	“	Sanpete	“
“	“	“	Juab	“
“	“	“	Cedar	“
“	“	“	Utah	“
“	“	“	two notaries public for G. S. Lake	“
“	“	“	one notary public Davis	“
“	“	“	Weber	“
“	“	“	Box Elder	“
“	“	“	Cache	“
“	“	“	Green River	“
“	“	“	Summit	“
“	“	“	Tooele	“
“	“	“	Shambip	“

On motion of Councilor Spencer, the report was received, and laid on the table to come up in joint session when called for.

A message was received from the House concurring in the request of the Council to adjourn over till Jan. 3d, 1862.

The minutes were called for, read and accepted.

On motion of Councilor Hyde, the Council adjourned till Jan. 3d, 1862, at 10 o'clock a.m.

Benediction by the Chaplain.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,  
Dec. 24, 1861, 1 p.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Snow, chairman of committee on roads, bridges, ferries and canyons, to whom was referred the report of Utah County court relative to the Provo Canyon road, with accompanying documents, submitted the following report:

"We find the report correct as compared with the accompanying vouchers, that the balance due the Territory as per report is in book accounts, and consequently not paid over quarter-yearly to the Territorial Treasury as required by an act, approved Jan. 20th, 1860.

In view of this fact your committee desirous of adopting some measures by which said road may be sustained, and kept in a good passable condition, recommend the passage of the accompanying bill 'An act in relation to Provo Canyon road.' "

Said bill was read, and,

On motion of Mr. West, the report of the committee was accepted, and the bill passed its first reading.

Mr. Eldredge, chairman of committee, to whom was referred the petition of Philander Bell, praying for the privilege of selling spirituous liquors, reported that they had inquired into the matter and found that the County Court has not refused to grant the petition or license, that the petition was not acted upon, but deferred, therefore deemed legislation thereon unnecessary.

On motion of Mr. Woolley, the report was received and the committee discharged from any further duties on the subject, with leave for the petitioner to withdraw his petition.

Mr. Hatch presented, "Petition of 120 citizens of Lehi city for repeal of Lehi city charter," which was read, and,

On motion of Mr. Thompson, the petition was referred to the committee on incorporations.

Mr. Hatch moved, that the committee on incorporations be also instructed in relation to the Lehi city charter, to examine an act (page 243, "Revised Statutes") granting to Charles Hopkins and others the right to build a bridge across Jordan river, and that said bridge be turned over to the County Court of Utah county to make such arrangements as shall secure the stockholders. Seconded and carried.

Mr. Thurber, chairman of committee on education, to whom was referred the motion of Mr. Rockwood, instructing the committee on education to obtain from the Superintendent of Common Schools a report of the situation of the common schools of the Territory, reported that they had ascertained that the Regents of the University last elected had not qualified nor appointed a Superintendent of Common Schools, nor had the last superintendent reported to the Regents, nor the secretary reported to the auditor of public accounts; and if the above delinquencies had not occurred, there is no law requiring the auditor to report to the Governor or Legislative Assembly; and therefore recommended the passage of the accompanying bill, "An act in relation to the Superintendent of Common Schools," which was read, and,

On motion of Mr. Long, the report was received, and the bill passed its first reading.

The following was received and read:

"COUNCIL CHAMBER, Dec. 21, 1861.

HON. JOHN TAYLOR, Speaker:

The Council has concluded to adjourn over till the 3d Jan., 1862, provided it meets with the concurrence of the House. Do you concur? Respectfully,

DANIEL H. WELLS, President."

Mr. Snow moved, that the adjournment of the House to-day be made to correspond with the wishes of the Council. Seconded and carried.

Mr. West, chairman of committee, to whom was referred that part of the Governor's message relating to the direct tax imposed upon this Territory by act of Congress, reported as follows:

"That they have considered the subject of the direct tax which the Territory is about to assume, and find difficulties hard to surmount. The direct tax laid on the United States is a tax laid on real property and the improvements thereon. To this there is the privilege given to each State or Territory to assume, assess and collect the said direct tax in their own way and manner.

The tax being laid upon real property and their improvements and buildings, and the privilege for the Territory to assess and collect the same in their own way and manner, confines our legislative action thereon to assessing and collecting said tax upon the property made taxable by Congress.

Another and greater difficulty which the committee have to encounter is the well-known fact, that all the lands of every description in this Territory is land, the Indian title of which is not extinguished.

While the paramount title of which lands are in the Federal government, and while said act imposing said direct tax specially exempts all lands and property made taxable by said act belonging to the United States, the Territory is left in the anomalous predicament of not having a foot of taxable lands or a freehold resident within her borders.

Thus situated are our citizens, with a direct tax of nearly \$27,000 imposed upon them. The tax laid upon a kind and description of property which does not exist or lay in the Territory.

In consequence of this perplexing and incongruous condition of affairs, the committee would call the attention of the Legislative Assembly to the propriety of the two Houses meeting in joint session, in committee of the whole, to consider the best manner of acting upon so obscure and difficult a subject."

On motion of Mr. Thurber, the report of the committee was accepted, and the recommendation adopted.

Mr. Snow, chairman of committee on roads, bridges, ferries and canyons, to whom was referred (C. F. No. 8) "An act to establish a road in Davis, Weber and Box Elder counties," reported that having duly considered the bill, they return the same, with recommendations for its passage.

On motion of Mr. Stout, the report was received, and the bill laid on the table to come up its order.

(H. F. No. 2) "An act in relation to attachments and garnishments," was taken up on its second reading, and,

On motions, amended by inserting the words "or is about to depart," in Sec. 3 of line 3; also, by adding, "Sec. 23, That 'an act governing writs of attachments and capias,' approved March 3, 1852, is hereby repealed."

(C. F. No. 10) "An act to amend 'an act to incorporate Great Salt Lake City,' approved Jan. 20, 1860," was taken up on its second reading, and,

On motion of Mr. Stout, passed its second reading.

(H. F. No. 4) "An act further defining the duties of stray-pound keepers, and for other purposes," was taken up on its second reading by sections, and,

On motion of Mr. Long, Sec. 2 was stricken out.

Pending discussion of said bill,

Mr. Young moved, that the same be referred to a special committee. Seconded and carried.

The Speaker appointed Messrs. Rockwood, Woolley, Johnson and Maughan said committee.

The minutes were called for, read and accepted.

On motion of Mr. Long, the House adjourned till Jan. 3, 1862, at 1 p.m.

Benediction by the Chaplain.



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FRIDAY, JANUARY 3, 1862.

## COUNCIL.

COUNCIL CHAMBER, G. S. L. City,

Jan. 3, 1862, 10 o'clock a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. No quorum present, and,

On motion of Councilor Spencer, Council adjourned till 1 p.m. to-morrow.

Benediction by the Chaplain.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City, }

Jan. 3, 1862, 1 p.m. }

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The following was received and read:

"SECRETARY'S OFFICE, G. S. L. City,

Jan. 3, 1862.

HON. JOHN TAYLOR, SPEAKER, HOUSE OF REPRESENTATIVES:

SIR:—The duties of the Executive devolving upon the Secretary in the absence of the Governor, and Gov. Dawson having withdrawn from the Territory, I respectfully request that all communications designed for the Executive, be forwarded to me.

Respectfully,

FRANK FULLER, Secretary."

Mr. Long moved, that a committee of three be appointed to inquire into the reasons that have induced His Excellency, Gov. Dawson to leave the Territory during the session of the Legislative Assembly.

The Speaker appointed Messrs. Rockwood, Long and Stout said committee.

Mr. Rockwood presented, "Petition of Lewis Robison and Joshua Terry, praying for an extension of time in erecting the bridge over Green river, which they were authorized to erect by Legislative

enactment of date Jan. 18, 1861, and also the right to establish and control a ferry over said river until the said bridge is completed, which was read, and,

On motion of Mr. Moody, the petition was referred to the committee on roads, bridges, ferries and canyons, with instructions to bring in a bill conformable with the prayer of the petition.

Mr. Johnson presented, "Petition of Mr. Levi Stewart for the location of a road from Great Salt Lake City, running west of Utah Lake, through Goshen and lower Salt Creek canyon to Nephi city, and asking an appropriation of \$600 therefor," which was read, and,

On motion of Mr. Midgley, was referred to the committee on roads, bridges, ferries and canyons.

Mr. Johnson presented, "Remonstrance from 83 citizens of Payson against the repeal of Payson city charter," which,

On motion of Mr. Long, was laid on the table till called up.

Mr. Long presented, "Petition of 74 citizens of Great Salt Lake county, praying for the passage of an act prohibiting the erection of fish traps, or other contrivances, in the Jordan or other rivers, and their tributaries, in this Territory," which was read, and,

On motion of Mr. Rockwood, referred to the committee on public domain and school lands, with instructions to take into consideration the propriety of bringing in a bill.

Mr. Rockwood presented, "Bill of Feramor Little for 27 day's services as director of Utah Penitentiary, at \$3 per day, amounting to \$81," which was read, and,

On motion of Mr. Long, referred to the committee on claims and appropriations.

Business in order being called up,

(H. F. No. 3) "An act to repeal certain city charters," which, on Dec. 20, 1860, was made the order of the day for this day, was taken up, and,

On motion of Mr. Long, was laid on the table till called for.

Mr. Smith presented,

(H. F. No. 10) "An act amending certain acts therein named," which was read, and,

On motion of Mr. Hatch, passed its first reading.

(H. F. No. 5) "An act repealing a portion of an act in relation to the judiciary," was taken up on its second reading, and,

On motion of Mr. Moody, was laid on the table till called up.

(H. F. No. 6) "An act repealing an act incorporating the city of Palmyra, and certain sections in several other acts of incorporations," was taken up on its second reading, and,

On motion of Mr. Long, was laid on the table for one week.

(C. F. No. 8) "An act to establish a road in Davis, Weber and Box Elder counties," was taken up on its first reading, and,

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On motion of Mr. Moody, passed its first reading.

The minutes were called for, read and accepted.

On motion, the House adjourned till to-morrow at 1 p.m.

Benediction by the Chaplain.

SATURDAY, JANUARY 4, 1862.

COUNCIL.

COUNCIL CHAMBER, G. S. L. City,

Jan. 4, 1862, 1 o'clock p.m.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communication was received and read:

"SECRETARY'S OFFICE, G. S. L. City,

January 3, 1862.

HON. DANIEL H. WELLS, President:

SIR:—The duties of the Executive devolving upon the Secretary in the absence of the Governor, and Gov. Dawson having withdrawn from the Territory, I respectfully request that all communications designed for the Executive be forwarded to me.

Respectfully,

FRANK FULLER, Secretary."

The following message was received from the House:

"REPRESENTATIVES' HALL,

Dec. 24th, 1861.

HON. DANIEL H. WELLS, President:

The House of Representatives having had under consideration that part of the Governor's message relating to the direct tax imposed upon this Territory by act of Congress, have concluded to request the Council to meet them in joint session, on a day to be named by the Council, to consider in committee of the whole the subject above referred to.

Respectfully,

JOHN TAYLOR, Speaker."

On motion of Councilor Richards, the Council agreed to the request of the House for a joint session, and that it be on Wednesday

the 8th inst., at ten o'clock a.m. The House was notified accordingly.

Councilor Harrington presented, petition from the inhabitants of Provo valley praying for a separate county organization, with boundaries as set forth, which was read, and,

On motion of Councilor Cummings, was referred to the committee on counties.

Councilor Hyde, chairman of the committee on roads, bridges, ferries and kanyons, presented the following report, which was read:

"The committee on roads, bridges, ferries and kanyons, to whom was referred the resolution appropriating two thousand five hundred dollars to improve the State Road south of this city, respectfully return the resolution recommending its passage, on the condition that the County Court of Great Salt Lake County shall appropriate an equal amount for the same purpose, who, so far as your committee has been able to confer with the members of said court, it not being in session, have signified a willingness to meet the wishes of the Council. They also present the report of the committee on public improvements of the common council of Great Salt Lake City, elicited from a consideration of the same subject before that body.

ORSON HYDE, Chairman of Committee.

G. S. L. City, Jan. 4th, 1862."

The accompanying report was also read, declining on the part of the city to appropriate any more funds for the purpose.

On motion of Councilor Spencer, the committee on appropriations was instructed to include the sum contemplated in the resolution, in the regular appropriation bill.

The following message was received from the House:

"HOUSE OF REPRESENTATIVES, Jan. 4th, 1862.

HON. D. H. WELLS, President:

The House has concurred in the time appointed to meet in joint session, as stated in your communication of this date, to wit, Wednesday the 8th inst., at ten o'clock a.m.

Respectfully,

JOHN TAYLOR, Speaker."

The minutes of yesterday and to-day were read and accepted. On motion of Councilor Hess, the Council adjourned till Tuesday the 7th inst., at one o'clock p.m.

Benediction by the Chaplain.



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## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City.

Jan. 4th, 1862, 1 p.m.

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Thurber presented, "Petition of Aaron Johnson and 231 others, citizens of Springville, praying for the repeal of their city charter," which was read, and,

On motion of Mr. Midgley, referred to the committee on incorporations, with instructions to bring in a bill.

Mr. Holbrook presented,

(H. F. No. 11) "An act attaching Miller's Island to Davis county," which was read, and,

On motion of Mr. Thompson, was referred to the committee on counties.

The business in order being called up,

(H. F. No. 8) "An act in relation to the Provo kanyon road," was taken up on its second reading, and,

On motion of Mr. Moody, was referred back to the committee on roads, bridges, ferries and kanyons, with instructions to amend or bring in a substitute.

The Speaker added Messrs. Woolley and Long to said committee, on the consideration of the Provo kanyon road bill.

A message was received from the Council, announcing their compliance with the wish of the House for a joint session, and appointing Wednesday, the 8th inst., at 10 a.m., for said joint session.

On motion of Mr. Rockwood, the House concurred in said date and hour for joint session, and the Council were notified accordingly.

(H. F. No. 9) "An act in relation to the Superintendent of Common Schools," was taken up on its second reading, and,

On motion of Mr. Thurber, the bill was referred back to the committee on education for additions thereto.

(H. F. No. 7) "An act providing for a poll tax for road purposes," was taken up on its second reading, and,

On motion of Mr. Johnson, the word "three," in Sec. 1, line 4, was stricken out, and the word "two" inserted instead.

Pending the further consideration of the first section,

Mr. Moody moved, that the bill be referred to a special committee, for further consideration and amendment. Seconded and carried.

The Speaker appointed Messrs. Woolley, Johnson and Moody said committee.

Mr. Long moved, that the committee on elections be instructed to take into consideration the propriety of bringing in a bill to change and equalize the representation of the people of the several counties in the Legislative Assembly of this Territory. Seconded and carried.

Mr. Moody moved, that the committee on judiciary be instructed to bring in a bill legalizing the transfer of all writs and judgments from one county to another. Seconded and carried.

The minutes were called for, read and accepted.

On motion of Mr. Maughan, the House adjourned till Tuesday, the 7th inst., at 1 p.m.

Benediction by the Chaplain.

—o—  
TUESDAY, JANUARY 7, 1862.

### COUNCIL.

COUNCIL CHAMBER, C. S. L. City, }  
Jan. 7th, 1862, 1 o'clock p.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Geo. A. Smith presented, "Petition of citizens of Washington county, praying for an appropriation of \$1,500, to be expended in improving the roads in that county, which was read, and,

On motion of Councilor Geo. A. Smith, was referred to the committee on roads, bridges, ferries and kanyons.

The following communication was received, and read:

EXECUTIVE DEPARTMENT, G. S. L. City,  
Jan. 6th, 1862.

HON. DANIEL H. WELLS, President:

SIR:—The following are concurred in:

1. "Memorial to Congress for semi-weekly mail service from Fillmore to San Bernardino, California."
2. "Memorial to Congress for an act authorizing treaties with Indians and the extinguishment of the Indian titles."

Respectfully,

FRANK FULLER, Acting Governor.

Councilor Hyde presented the following report:

"MR. PRESIDENT:—Your committee, to whom was referred the petition of Franklin W. Young, and 76 others, citizens of Washington county, asking an appropriation of \$1,000 to construct a wagon road from St. George to Grafton, in said county; \$500, also, to alter and improve the road from Harmony to Toquerville, and thence till it intersects the contemplated road from St. George to Grafton, beg leave to report favorably; and that the committee on appropriations be instructed to embody in the Territorial appropriation bill the sum asked for, to be applied according to the terms of the petition.

ORSON HYDE, Chairman of Committee.

G. S. L. City, Jan. 7th, 1862."

On motion of Councilor Geo. A. Smith, the report was accepted, and the committee on appropriations were instructed accordingly. The minutes were called for, read and accepted.

On motion of Councilor Richards, Council adjourned till tomorrow, at 9½ a.m.

Benediction by the Chaplain.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City, }

January 7, 1861, 1 p.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Thurber presented, "Petition of citizens of Spanish Fork city for repeal of their city charter," which was read, and,

On motion of Mr. Long, was referred to the committee on incorporations.

Mr. Callister presented, "Petition of fifty-three citizens of Fillmore for repeal of their city charter," which was read, and,

On motion of Mr. Rockwood, was referred to the committee on incorporations.

Mr. Crosby presented, "Petition of citizens of Washington county for appropriations to work roads in said county," which was read, and,

On motion of Mr. Rockwood, was referred to committee on roads, bridges, ferries and canyons.

Mr. Midgley presented, "Petition of the citizens of Juab county for a distribution of the public library," which was read, and,

On motion of Mr. Thompson, was referred to the committee on library.

Mr. Rockwood presented, bill of James A. Little, warden of the Penitentiary, for services; which was read, and,

On motion of Mr. Long, was referred to the committee on claims and appropriations.

Mr. Rockwood moved, that the committee on claims and appropriations be instructed to take into consideration the claims of Alex. McRae, ex-warden of the Penitentiary. Seconded and carried.

Bill of Theodore McKean, Esq., Territorial Road Supervisor, for \$341 50 was read, and,

On motion of Mr. Maughan, was referred to the committee on claims and appropriations.

Mr. Rockwood moved, that Feramor Little have the privilege of withdrawing his bill for services as director of the Utah Penitentiary. Seconded and carried.

Mr. Hatch presented, "Remonstrance of thirty-one citizens of Lehi city against repeal of their city charter," which was read, and,

On motion of Mr. Maughan, was referred to the committee on incorporations.

Mr. Rockwood, chairman of special committee appointed to inquire into the reasons that induced His Excellency Gov. Dawson to leave the Territory during the session of the Legislative Assembly, reported that they had applied to the Hon. Secretary for such information as he might have in his possession, and had received the following communication:

"EXECUTIVE DEPARTMENT, Utah,  
G. S. L. City, Jan. 4, 1862.

GENTLEMEN:—In answer to your letter of inquiry concerning the cause of Gov. Dawson's early withdrawal from the Territory, I present the following extract from a note received by me from that gentleman on the day of his departure:

"My health is such that my return to Indiana for the time being is imperatively demanded: hence, I start this day."

Gov. Dawson announced to me on the day of his arrival, his intention to return to Indiana at the close of the Legislative session, but I am not aware that any reason was assigned by him for his departure at an earlier day, other than the one above given.

Respectfully,

FRANK FULLER,  
Secretary and Acting Governor."



Mr. Parry presented report of number and kind of officers to be elected by joint vote of the Legislative Assembly.

On motion of Mr. Rockwood, the report was received and laid on the table until joint session for election of said officers.

Mr. Thurber, chairman of committee on education, to whom was referred, (H. F. No. 9) "An act in relation to superintendents of common schools," reported back the bill, with additional sections, and recommended its passage.

Said bill was read as amended, and,

On motion of Mr. Woolley, was laid on the table to come up in its order.

Mr. Rockwood, chairman of special committee, to whom was referred (H. F. No. 4) "An act further defining the duties of stray-pound keepers, and for other purposes," submitted a substitute, and recommended its passage.

Said substitute, (H. F. No. 12) "An act for the establishing and regulating estray pounds, and for other purposes," was read, and,

On motion of Mr. Woolley, the report was accepted, the bill received, and fifty copies thereof ordered to be printed for the use of the Legislative Assembly.

The business in order being called up,

(H. F. No. 2) "An act in relation to attachments and garnishments," was taken up on its third reading, and,

On motion of Mr. Rhoads, passed its third reading.

The bill was read by its title, and so passed.

(C. F. No. 10) "An act to amend an act to incorporate Great Salt Lake City, approved Jan. 20, 1860," was taken up on its third reading, and,

On motion of Mr. Maughan, passed its third reading.

The bill was read by its title, and so passed.

(H. F. No. 10) "An act amending certain acts therein named," was taken up on its second reading, and,

On motion of Mr. Woolley, passed its second reading.

On motion of Mr. Moody, the bill passed its third reading by its title.

(C. F. No. 8) "An act to establish a road in Davis, Weber and Box Elder counties," was taken up on its second reading, and,

On motion of Mr. Johnson, passed its second reading.

On motion of Mr. Maughan, the bill passed its third reading by its title.

(H. F. No. 9) "An act in relation to the superintendents of common schools," was taken up on its second reading, and,

On motions, the first section was amended by striking out the words "on or before the second" in the 9th line of said section, and by substituting the words "during the first" instead thereof, also.

by striking out the words "any laws to the contrary, notwithstanding," at the end of the section.

On motion of Mr. Long, Sec. 4 was added to the bill, and the bill passed its second reading.

On motion of Mr. Thompson, (H. F. No. 3) "An act to repeal certain city charters," etc., "was referred back to the committee on incorporations.

The minutes were called for, read, and accepted.

On motion of Mr. Hatch, the House adjourned till to-morrow at 10 a.m.

Benediction by the Chaplain.

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WEDNESDAY, JANUARY 8, 1862.

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## COUNCIL.

COUNCIL CHAMBER, G. S. L. City,  
Jan. 8, 1862, 9½ o'clock a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The Sergeant-at-Arms having reported that the House of Representatives were ready to receive the Council in joint session, the Council adjourned accordingly.

The members of the Council having returned to their chamber, the following communication in relation to the public arms was received and read:

"GREAT SALT LAKE CITY, U.T.  
Jan. 7, 1862.

TO THE HON. LEGISLATIVE ASSEMBLY OF THE  
TERRITORY OF UTAH:

GENTLEMEN:—In pursuance of a 'Resolution in relation to the quota of public arms due Utah Territory,' approved January 18, 1861, I forwarded the following communication to the Ordnance Department of the United States army in Washington city:

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[copy] **GREAT SALT LAKE CITY, Utah Territory,**

Feb. 21, 1861.

**COL. H. K. CRAIG, Ordnance Office, U.S.A.,**

Washington City:

SIR:—Herewith inclosed please find certified copy of 'Resolution concerning quota of public arms due Utah Territory from the United States,' which passed the Legislature of this Territory during the last session, and was approved by the Governor, Jan. 18, 1861, who had previously called the attention of the Legislature to the subject in his annual message, dated Nov. 12, 1860, in the following words:

'This Territory has never received her quota of arms from the United States. H. K. Craig, Colonel of Ordnance, has addressed to me several communications on this subject. On the 11th January, 1860, he advised me that there were then due to Utah, 2,775 muskets, together with accoutrements, etc., which, by existing regulations would be delivered at any place in the Territory situated upon navigable waters, or otherwise easily accessible, to be designated by the Governor or other authorized officer of the Territory. The United States cannot, however, incur any extraordinary expenses for the transporting the arms into the interior by land. I herewith annex a statement of the cost of small arms, field artillery, and their equivalent in muskets.'

The Legislature referred the subject to its appropriate committee, the chairman of whom waited upon me, soliciting an opinion in relation to the kind of arms which should be furnished Utah for her quota from the United States, which I gave as follows:

**'GREAT SALT LAKE CITY, U.T.,**

Jan. 15, 1861.

**HON. H. B. CLAWSON:**

SIR:—In answer to your request in behalf of the committee on militia of the House of Representatives, for an expression in relation to the kind of arms most proper to receive from the Ordnance Department of the United States, for the quota of arms due to this Territory, I consider it most expedient for the Territory, in point of land transportation from the frontiers, as well as useful to the militia, to take the whole quota of arms now due to the Territory, in Colt's patent revolving breech pistols, of the size commonly known here as navy size or belt pistol, the revolving breech having six chambers.

The 2,775 muskets referred to in the message of His Excellency Gov. Cumming, when commuted at the rate specified in the state-

ment of the cost of small arms, etc., at their equivalent in muskets, will give 2,004 of the aforesaid pistols and appendages, which when packed will weigh about three and a quarter tons: the said muskets and accoutrements would weigh about sixteen tons; a large difference to be freighted across the plains at the expense of the Territory.

I therefore recommend that the Legislature request the Governor to call for the whole quota of arms due the Territory up to the present year to be delivered in the aforesaid kind of pistol at Florence, Nebraska Territory, as a convenient point for the Territory to receive them. Respectfully,

T. W. ELLERBECK,  
Col. Ordnance Militia, U. T.

Based upon the foregoing communication, the Legislature made the necessary appropriation to cover the cost of their transportation from the Missouri river to this city.

I have authorized and requested the Hon. W. H. Hooper, delegate to Congress from this Territory, to make arrangements for the safe storing of the said arms at Florence, until the teams are ready to return with them, arrangements for which are already completed.

I know of no reason to change my opinion in regard to the kind of arms needed for this Territory, and the Legislature having made the appropriation in view of the kind of arms recommended in my communication to the military committee, I could not consent to receive any other variety of arm.

Respectfully,  
T. W. ELLERBECK,  
Col. Ordnance Militia, U. T.

To the foregoing I received the following reply:

"ORDNANCE OFFICE, Washington,  
March 20, 1861.

COL. T. W. ELLERBECK, Militia, Utah Territory.  
Great Salt Lake City:

SIR:—I have to acknowledge, through the Hon. W. H. Hooper, the receipt of your letter of the 21st ult., with its inclosures, and in answer to state, that agreeably to the regulation of the President of the United States, made in conformity of the law of Congress, approved March 3d, 1855, for the distribution of arms to the Territories, each Territory which had not received prior to the passage of the above law, an equivalent to two thousand muskets, was to be furnished with an additional number, so as to make the supply to each Territory not less than that number, issuable in muskets only.



Accordingly, as the Territory of Utah stood credited, prior to the passage of the law, with sixty-six muskets, it became entitled to 1,934 muskets, to be furnished in muskets only, as stated in my letter to the Governor, of the 11th Jan., 1860; and referred to by you.

I fully advised the Governor of the President's regulation in my letter to him of June 2d, 1855.

There are also due to the Territory for the present year, 13 muskets, of which the Governor was informed by my letter to him of the 10th Jan. last, making in all now due to the Territory, 2,912 10-13ths muskets, of which, as heretofore stated, 1,934 can only be issued in muskets, and the remaining 978 10-13s in such other arms as designated in the accompanying printed statement, with the exception of Colt's arms and Sharp's carbines, of which there are none on hand, and no means to provide them.

Upon your indicating to me your desire to receive the arms as herein stated, they will be forwarded to the place designated by you.

Respectfully, your obedient servant,

(Signed)

H. K. CRAIG, Col. of Ordnance.

No further correspondence was had on the subject.

In this connection, I regret to say, that the United States' forces, on their departure from this Territory, in July last, destroyed by fire large quantities of fire-arms belonging to the United States, which could have been advantageously delivered to the Territory, without expense of transportation. The commander of the Department informed citizens that he destroyed them, together with the ammunition, by orders from Washington.

Very respectfully,

T. W. ELLERBECK,

Col. Ordnance, Militia, U. T."

On motion of Councilor Smith, the communication was ordered to be spread on the journal.

Councilor Smith presented, (C. F. 11) "Memorial to Congress for a donation of land to cities, towns and villages, etc., and for the aid of common schools," which was read, and,

On motion of Councilor Richards, was adopted, and ordered to be sent to the House for concurrence.

The minutes were called for, read and accepted.

On motion of Councilor Hyde, the Council adjourned till tomorrow, at 1 o'clock p.m.

Benediction by the Chaplain.

**JOINT SESSION.**

**REPRESENTATIVES' HALL, G. S. L. City,**  
**Jan. 8th, 1862, 10 a.m.**

Pursuant to agreement of the 3d inst., the Assembly met in joint session.

The President of the Council presiding, called the Assembly to order.

The Secretary of the Council called the roll of the Council; quorum present.

The Chief Clerk of the House called the roll of the House; quorum present.

Prayer by the Chaplain of the House.

The President declared the joint session open, and ready for business.

Councilor Smith moved, that the Assembly go into committee of the whole, to consider the direct tax. Councilor Harrington in the chair. Seconded and carried.

In committee of the whole, with Councilor Harrington in the chair, the question of the direct tax was taken up.

After discussion,

On motion of Councilor Smith, the committee arose, and the Assembly resumed its joint session.

Councilor Harrington, in behalf of the committee of the whole, reported that the committee had come to no decision on the subject of the direct tax.

Minutes read and accepted.

On motion of Councilor Richards, the joint session dissolved.

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**HOUSE.**

**REPRESENTATIVES' HALL, G. S. L. City,**  
**Jan. 8, 1862, 10 a.m.**

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The House went into joint session.

*(See Joint Session minutes.)*

On joint session dissolving, the House resumed its session.

Mr. West presented, "Petition of 51 citizens of Weber and Box Elder counties for an appropriation for improving the road up Weber kanyon," which was read, and,

On motion of Mr. Long, was referred to the committee on roads, bridges, ferries and kanyons.

The minutes were called for, read and accepted.

On motion of Mr. West, the House adjourned till to-morrow at 1 p.m.

Benediction by the Chaplain.

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THURSDAY, JANUARY 9, 1862.

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COUNCIL.

COUNCIL CHAMBER, G. S. L. City,  
Jan. 9th, 1862, 1 o'clock p.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:

"HOUSE OF REPRESENTATIVES, G. S. L. City,  
7th Jan., 1862.

HON. D. H. WELLS, PRESIDENT:

The House has this day passed the accompanying bills (H. F. No. 2) 'An act in relation to attachments and garnishments,' and (H. F. No. 10) 'An act amending certain acts therein named,' which are respectfully submitted for your action thereon.

The House has also this day passed your bills (C. F. No. 8) 'An act to establish a road in Davis, Weber and Box Elder counties,' and (C. F. No. 10) 'An act to amend an act to incorporate Great Salt Lake City, approved Jan. 20, 1860,' which are herewith respectfully returned to be engrossed.

Respectfully,

JOHN TAYLOR, Speaker."

(H. F. No. 2) "An act in relation to attachments and garnishments," was taken up, and read, and,

On motion of Councilor Smith, the bill was passed to its second reading to lie over till to-morrow.

Councilor Smith presented, "Memorial to Congress for a daily mail," which was read, and,

On motion of Councilor Richards, the memorial was adopted, and ordered to be sent to the House of Representatives for concurrence.

Councilor Cummings presented "Petition of Territorial Surveyor, J. W. Fox, praying for an appropriation of \$100 for desk and paper for use in his office," which was read, and,

On motion of Councilor Woodruff, the committee on appropriations were instructed to incorporate the necessary sum in the regular Territorial appropriation bill.

(H. F. No. 10) "An act amending certain acts therein named," was taken up on its first reading, read, and,

On motion of Councilor Cummings, was referred to the committee on incorporations to report thereon on Saturday next.

On motion of Councilor Woodruff, Councilor Geo. A. Smith was requested to bring in the compilation act which did not receive the approval of the Executive last session.

The minutes were called for, read and accepted.

On motion of Councilor Richards, Council adjourned till to-morrow at 1 o'clock p.m.

Benediction by the Chaplain.

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## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City, }  
Jan. 9, 1862, 1 p.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received and read:

"COUNCIL CHAMBER, Jan. 8, 1862.

HON. JOHN TAYLOR, Speaker:

The inclosed report, from the Colonel of ordnance of the Territory, in relation to the quota of public arms due from the United States, having been read before the Council and ordered to be placed upon their journal, is now respectfully forwarded for the information of the House.

Respectfully,

DANIEL H. WELLS, President.

T. W. Ellerbeck, Sec'y."



Another message was also received from the Council, and read, inclosing "Memorial to Congress for a donation of land to cities, towns and villages, and for the aid of common schools," which had been adopted by the Council, and was respectfully submitted for the concurrence of the House.

Said memorial was read, and,

On motion of Mr. Long, was concurred in.

Mr. Maughan presented, "Petition of 25 citizens of Paradise, Cache valley, praying for boundaries to be changed, so as to include them in Cache county instead of Box Elder county," which was read, and,

On motion of Mr. Stout, was referred to the committee on counties.

Mr. Thompson presented, "Petition of 58 citizens of Beaver, asking an appropriation of \$350 to aid that county in improving the State road in said county," which was read, and,

On motion Mr. Long, referred to the committee on roads, bridges, ferries and kanyons.

The chairman of committee on roads, bridges, ferries and kanyons, to whom was referred the "Petition of Levi Stewart and others for a road from Great Salt Lake city to Nephi," reported unfavorable to any action thereon.

On motion of Mr. Stout, the report was accepted and the petition referred to a special committee.

The Speaker appointed Messrs. Johnson, Smith and Rockwood said committee.

The chairman of committee on roads, bridges, ferries and kanyons, to whom was referred the "Petition of Lewis Robison and Joshua Terry," reported the accompanying act, (H. F. No. 13) "An act amending an act granting to Lewis Robison and Joshua Terry the right of building a toll bridge across Green river, approved Jan. 18, 1861," which was read, and,

On motion of Mr. Moody, the report was received, and the bill laid on the table to come up in its order.

Mr. Smith, chairman of committee on counties, to whom was referred, (H. F. No. 50, unfinished business of last session) entitled, "An act defining the boundaries of counties," reported the same back with amendments, and recommended its passage.

Said bill was read as amended, and,

On motion of Mr. Stout, the report was accepted, and the bill laid on the table to come up in its order.

Mr. Stout moved, that the special committee, to whom was referred (H. F. No. 7) "An act providing for a poll tax for road purposes," report the bill back for the action of the House. Seconded and carried.

Said bill, by consent of the House, was taken up on its second reading.

On motion, the words "with security to be approved by the County Court, payable to the people of their respective counties for," were inserted in Sec. 2, line 1, after the words "give bonds," and the word "in" in said section, and line after the said words "give bonds" was stricken out; also, the words "which bonds shall be filed in the office of the clerk of the County Court," were inserted after the words "of this act" in Sec. 2, line 2.

On motion, the words "subject to the approval of the County Court," at the end of Sec. 4, were stricken out.

On motion of Mr. Long, the bill passed its third reading.

The bill was read by its title, and so passed.

A message was received from the Council, and read, inclosing "Memorial to Congress for daily mail," announcing its adoption, and soliciting the concurrence of the House.

Said memorial was read, and,

On motion of Mr. Long, the House concurred in the adoption thereof.

(H. F. No. 9) "An act in relation to the superintendents of common schools," was taken up on its third reading, and,

On motion of Mr. Thurber, passed its third reading.

Said bill was read by its title, and so passed.

The following report was received and read:

"COMMITTEE ROOM, Jan. 9, 1862.

HON. SPEAKER AND MEMBERS HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee, to whom was referred the claim of Daniel Carn, for services as warden of the Utah Penitentiary, beg leave to report that they have duly examined into said claim, and find that there has been no settlement with Daniel Carn for his services for the five years ending in 1859, that he filled the office of Warden of the Penitentiary; therefore your committee have deemed it proper to examine into his claim for the entire term of service and find that there is

Due Daniel Carn for five years' services as Warden of Utah Penitentiary, viz., 1855-6-7-8-9, at the rate of \$1000 per annum

\$5,000 00

Daniel Carn has received at sundry times as follows:

An appropriation for 1855-6 - - - \$600 00

Part of appropriation of \$300 for 1856-7;

balance of said appropriation paid by the

Warden to Bliss, \$459 80, and to

Willis, \$15 for guard service - -

326 00

An appropriation for 1858-9	1,000 00
Amount received from auditor public accounts, issued by him on draft, drawn by directors	405 85
Received from the U. S. Marshal, J. L. Heywood and others, for board of U. S. convicts in Utah Penitentiary, as per Penitentiary books, May, 1856	516 00
Penitentiary wood used by Warden for five years, at \$100 per year	500 00
Total debit	\$3,347 85

Leaving a balance due Daniel Carn of \$1,652 15, which your committee respectfully recommend be included in the Territorial Appropriation Bill.

H. B. CLAWSON,  
Chairman Committee on Claims."

On motion of Mr. West, the report was accepted, and the committee on claims and appropriations instructed to incorporate the same in the Territorial Appropriation Bill.

The following report was received and read:

"COMMITTEE ROOM, Jan. 9, 1862.

HON. SPEAKER AND MEMBERS HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee instructed to take into consideration the claim of Alex. McRae, for services as Warden of Utah Penitentiary, beg leave to report that they have examined the papers having reference to said claim and find that there is

Due Alex. McRae, for services as Warden of Utah Penitentiary for one year ending Jan., 1861 - - - \$1,000 00

Alex. McRae has received on account of his services as Warden a draft on auditor of public accounts, drawn by directors, Feb., 1860 - - - \$520 86

Received of P. K. Dotson, U. S. Marshal, for board of U. S. convict during 1860-61 153 00

Penitentiary wood used by Warden, as per estimate by directors, Jan. 6, 1861 - 150 00

Total debit - - - \$823 86

Leaving a balance due Alex. McRae for services as Warden the sum of \$176 14, and your committee respectfully recommend that the same be included in the Territorial Appropriation Bill.

H. B. CLAWSON,  
Chairman of Committee on Claims."

On motion of Mr. Long, the report was accepted, and the committee on claims and appropriations instructed to incorporate the same in the Territorial appropriation bill.

The minutes were called for, read and accepted.

On motion of Mr. Hatch, the House adjourned till to-morrow at 1 p.m.

Benediction by the Chaplain.

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FRIDAY, JANUARY 10, 1862.

COUNCIL.

COUNCIL CHAMBER, G. S. L. City,  
Jan. 10th, 1862, 1 o'clock p.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:

“REPRESENTATIVES’ HALL, 9th Jan., 1862.

HON. D. H. WELLS, President:

SIR:—The House of Representatives has this day concurred in your ‘Memorial to Congress for a donation of land to cities, towns and villages, and for the aid of common schools,’ and also your ‘Memorial to Congress for daily mail,’ which are herewith returned to be engrossed.

The House has also this day passed the accompanying bills (H. F. No. 9) ‘An act in relation to the Superintendent of Common Schools,’ and (H. F. No. 7) ‘An act providing for a poll tax for road purposes,’ which are herewith submitted for your action thereon.

Respectfully,

JOHN TAYLOR, Speaker.”

Councilor Carrington presented the following report, which was read:

“COUNCIL ROOM, Jan. 10th, 1862.

TO THE PRESIDENT AND COUNCIL:

GENTLEMEN:—The special joint committee, who were appointed and instructed to examine the redeemed auditor’s warrants in the



hands of the Territorial Treasurer, Mr. David O. Calder, compare them with his books and annual reports, and make such disposition of them as their judgment might dictate, respectfully report that they have made examination as aforesaid, for the fiscal years 1859, 1860 and 1861, ending on the 31st of October in each year, and found the vouchers and reports agreeing, the Treasurer's accounts faithfully kept, and the signatures on the redeemed warrants defaced, whereupon your committee destroyed all of said warrants for the years 1859-60-61, and respectfully recommend that the same or a like committee be authorized and instructed to take a like course with all the auditor's warrants redeemed previous to 1859.

A. CARRINGTON, Chairman of Committee."

On motion of Councilor Richards, the report was accepted, and the same joint committee were instructed in accordance with the recommendation in their report, to audit and destroy the vouchers in the Territorial Treasurer's office, of a date prior to 1859, and the concurrence of the House of Representatives requested.

Councilor Geo. A. Smith presented,

(C. F. No. 13) "An act in relation to the compilation and revision of the laws and resolutions now in force in Utah Territory, and embodying certain amendments," which was received, and,

On motion of Councilor Woodruff, was laid on the table to come up in its order.

The following message was received from the House:

"REPRESENTATIVES' HALL, Jan. 10th, 1862.

HON. DANIEL H. WELLS, President:

SIR:—The Council is requested by the House of Representatives to meet them in joint session at your earliest convenience (the time to be designated by the Council) for the purpose of electing the officers made elective by the joint vote of this Legislative Assembly.

Very respectfully,

JOHN TAYLOR, Speaker."

On motion of Councilor Benson, the Council agreed to meet the House in joint session for that purpose on Tuesday next at 1 p.m.

Councilor Carrington presented, accounts of John T. Caine, of \$114 for recording minutes of Council and other extra labor, for 9th and 10th annual session, which were read, and,

On motion of Councilor Carrington, were referred to the committee on appropriations with instructions to incorporate the same in the Territorial Appropriation Bill.

Councilor Smith presented,

(C. F. No. 14) "Memorial for a national central railroad," which was read, and,

On motion of Councilor Harrington, was adopted, and ordered to be sent to the House for concurrence.

The following communication was received, and read:

"EXECUTIVE OFFICE, G. S. L. City,  
Jan. 10th, 1862.

HON. DANIEL H. WELLS, President:

SIR:—'An act to establish a road in Davis, Weber and Box Elder counties,' and 'An act to amend "an act to incorporate Great Salt Lake City, approved Jan. 20, 1860,"' received on the 9th inst. from your honorable body, has this day been approved.

Respectfully,

FRANK FULLER, Acting Governor."

(H. F. No. 2) "An act in relation to attachments and garnishments," was taken up on its second reading.

On motion of Councilor Carrington, the words "not exceeding the sum specified in the bond" were stricken out of 5th line, in 4th section.

On motion of Councilor Carrington, the words "equal to double" were stricken out, and the words "not less than nor exceeding treble" inserted in lieu thereof, in the 3d line of 4th section.

On motion of Councilor Smith, the words "provided that no bond shall be taken for a sum less than one hundred dollars," were inserted next after the word "claimed" in 3d line of 4th section.

On motion of Councilor Carrington, the 7th section was amended by striking out the words "by taking" in the 1st line, and the word "giving" in the 2d line, and inserting the words "and take" and "give" respectively in lieu thereof.

On motion of Councilor Spencer, the 8th section was amended by inserting the word "forthwith" next after the word "and" in the 2d line.

On motion of Councilor Carrington, the words "and credits of" were stricken out of the 9th section, and the word "due" inserted in lieu thereof.

The 10th section being under consideration,

On motion of Councilor Smith, the bill was referred to a special committee composed of Councilors Carrington and Cummings.

The following messages were received from the House;

"REPRESENTATIVES' HALL, Jan. 10th, 1862.

HON. D. H. WELLS, President:

SIR:—I have the honor to inform you that the House of Representatives have, by their unanimous vote, expressed satisfaction with the labors of the special committee appointed to examine the

vouchers of the Territorial Treasurer, etc. The House have further instructed their same committee to act in conjunction with the Council committee to audit and destroy the vouchers of said Treasurer of a date prior to 1859, in accordance with your request.

Respectfully,

JOHN TAYLOR, Speaker."

"REPRESENTATIVES' HALL, January 10, 1862.

HON. DANIEL H. WELLS, President:

SIR:—The House of Representatives have concurred in your 'Memorial for a national central railroad,' and the same is hereby respectfully returned for further disposition by the Council.

Respectfully,

JOHN TAYLOR, Speaker."

(H. F. No. 7) "An act providing for a poll tax for road purposes," was taken up, read, and,

On motion of Councilor Smith, the bill was referred to the committee on roads, etc.

(H. F. No. 9) "An act in relation to the Superintendent of Common Schools" was read, and,

On motion of Councilor Richards, the bill was referred to the committee on education.

The minutes were called for, read and accepted.

On motion of Councilor Benson, the Council adjourned till 1 p.m. to-morrow.

Benediction by the Chaplain.

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## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City, }  
Jan. 10th, 1862, 1 p. m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Long presented, "Petition of John Jaques and 299 others, citizens of Great Salt Lake county, for removal of a certain fish trap," which was read, and,

On motion of Mr. West, referred to the committee on public domain and school lands.

Mr. Stout moved, that the Council be requested to meet the

House in joint session at their earliest convenience—the time to be designated by them—for the purpose of electing the officers made elective by the joint vote of this Legislative Assembly. Seconded and carried.

The chairman of committee on roads, bridges, ferries and kanyons, to whom was referred the "Petition of 51 citizens of Weber and Box Elder counties, asking for an appropriation to be expended in Weber kanyon," recommended that the sum of \$2,000 be appropriated to improve said Weber kanyon road.

On motion of Mr. Stont, the recommendation was adopted, and the committee on claims and appropriations instructed to incorporate the same in the Territorial appropriation bill.

The following report was received and read:

"COMMITTEE ROOM, Jan. 8th, 1862.

MR. SPEAKER AND MEMBERS HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee on Penitentiary, to whom was referred the report of the board of directors of the Penitentiary, have examined the books belonging to the institution, and compared them with the report, and inquired of the directors and other officers connected with the Penitentiary, and submit the following as the result of our labors:

We find the bills receivable, for work of convicts as reported in the annual report of 1860, yet unpaid, no reasons assigned by the directors for non-payment. The \$48 worth of baskets reported in said report, are by the directors reported to be in the hands of commission merchants, if sold, are unaccounted for; they hold the Warden accountable for them.

The directors reported to us under date of Dec. 23d,

that there was on hand at the time of the annual report of 1860, tools, bedding, office furniture and other loose property, amounting to

\$250 00

And that the amount on hand at the time of the last report, was about

\$924 00

This amount includes supplies.

From this report we learn that the convicts have labored outside of the Penitentiary two hundred and fifty days, at farming, at 50 cents per day, amounting to

\$125 00

Also, labor of Riley Green, amounting to

50 00

Total

\$175 00

Which is charged in account to James A. Little.

The total number of day's labor performed by the convicts is



three hundred days out of twelve hundred and eighteen working days, which shows that they have been idle nine hundred and eighteen days, as no labor was done except the three hundred referred to.

We learn by an informal communication in answer to our communication, to the directors, of Dec. 27th, that a quantity of molasses was furnished by James A. Little, and is now on hand at \$2 50 per gallon, amounting to between ninety and one hundred dollars. We have not this communication before us, as Mr. Little, the chairman of the board of directors, withdrew, or took possession of it on the 7th instant, under protest; he also declined to give us the required information on some points.

We find in the book labeled 'Utah Ledger,' belonging to the Penitentiary, that James A. Little is credited with forty-nine week's board of convicts, at four dollars per week, amounting to one hundred and ninety-six dollars. In our communication, under date of the 6th inst., we asked the directors, among many others, the following question: Did you contract with James A. Little to board the convicts at four dollars per week? This question was verbally answered on the 7th, before the committee, in the negative, but that they sanctioned it after it was done.

The annual report of the directors shows the expense of the institution for the last year to be	\$4,265 11
To this sum should be added the claim of the Warden	219 00
Also, an amount due Christopher Layton for arrest of prisoner	100 00
<b>Total amount</b>	<b>\$4,584 11</b>

From this sum should be deducted the excess of the amount of supplies now on hand over and above what there were at the time of making the report for the year 1860, the precise amount of which we have not been able to ascertain.

The informal report shows a quantity of beef, and perhaps some other supplies, which are not shown in their communication to us, neither in the books exhibited to us. We have called for all the books pertaining to the institution, but have not been able to obtain but two; the others, not less than three in number, have been withheld.

The supplies furnished, as shown by the report amounts to	\$875 00
Board bill of J. A. Little	196 00

Amounting in the aggregate to	\$1,071 55
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We find that during Mr. Carn's administration as Warden that

there were allowed to each convict daily, the following rations, to wit:

1½ pounds flour	.09
¼ pound meat	.05
Salt, vinegar, etc.	.03
Amounting to	.17

The convicts were required to cook for themselves. Had the same amount of rations been served out to the convicts the past year, the supplies would have cost only \$241 40, and thereby several hundred dollars would have been saved to the Territory.

In consequence of not having our second communication answered, and the withdrawal of the informal communication, together with the evasion in answering our questions, we are not able to report the amount of supplies on hand over and above what was stated in the last annual report, neither can we arrive at the precise amount on hand at the present time.

Respectfully submitted by your committee,

A. P. Rockwood, Chairman."

On motion of Mr. Stout, the report was received, and laid on the table till called for.

The following report was received and read:

"COMMITTEE ROOM, G. S. L. City,  
Jan. 9th, 1862.

MR. SPEAKER:

Your committee on Penitentiary, pursuant to your instructions, have examined the books of the institution from the commencement, February 21st, 1856, to Dec., 1861, we find that the United States convicts have been convicted from time to time under the provisions of the United States laws, which provide that said convicts may be committed to any State prison or Penitentiary in any State or Territory; we find by the provisions of another act that the cost accruing upon the execution of such sentences shall be paid by the United States; we find that the several Wardens have received from the several United States marshals, for expences accruing on said convicts, the sum of \$3,325 65; we find that their is yet due, as shown on the books, \$5,048 50, most of which has been due about four years.

We find by the report of the directors, made to us and otherwise, that the Penitentiary is insecure, in consequence of which many convicts, both the United States and Territorial, escape from time to time. We find that the average number of convicts for the past year has been a little fraction less than four; total cost of which is

\$4,584 11, a fraction less than \$3 23 per day on each convict, and for other years it has been in corresponding ratio. We, in our opinion, believe that the institution does not accomplish the desired end of reclaiming or reforming the convicts; in consequence of the want of the application of proper labor, and by force of circumstances are kept in idleness; therefore, the sentence of the courts is not carried out.

We are of the opinion that the laws spread upon the statutes previous to the adoption of the present Penitentiary system, are amply sufficient and better adapted for the punishment of convicts than the present system; therefore, we recommend the adoption of the accompanying bill.

A. P. ROCKWOOD, Chairman.

Said bill (H. F. No. 15) "An act repealing the several acts in relation to the Penitentiary, and for other purposes," was read, and,

On motion of Mr. Stout, the report was received, and the bill laid on the table to come up in its order.

Mr. Rockwood presented, "Bill of H. S. Beattie for \$200, for services as clerk for Penitentiary Warden and Directors," which was read, and,

On motion of Mr. Long, was referred to the committee on Penitentiary.

The following was received and read:

"COUNCIL CHAMBER, Jan. 10, 1862.

HON. JOHN TAYLOR, Speaker:

SIR:—The Council has agreed to meet you in joint session on Tuesday next, at 1 p.m., for the purpose of electing the Territorial elective officers.

Respectfully,

DANIEL H. WELLS, President.

T. W. Ellerbeck, Sec'y."

Another message was received from the Council and read, announcing the adoption of "Memorial to Congress for a national central railroad."

Said memorial was read, and,

On motion of Mr. Rowberry, the House concurred in the adoption thereof.

The following was also received and read:

"COUNCIL CHAMBER, Jan. 10, 1862.

HON. JOHN TAYLOR, Speaker:

The special joint committee appointed to examine the vouchers

of the Territorial Treasurer, have presented the accompanying report, which has been received by the Council, and is now respectfully forwarded to your honorable body.

The same joint committee are instructed, on the part of the Council, to audit and destroy the redeemed vouchers of said treasurer of a date prior to 1859, and the concurrence of the House is solicited in the further instructions to the committee.

Respectfully,

DANIEL H. WELLS, President.

T. W. Ellerbeck, Sec'y."

Said report of the joint committee was also read, and,

On motion of Mr. Maughan, the House accepted the report of the joint committee, and concurred with the Council in their further instructions to said committee.

Mr. Hatch, chairman of committee on library, to whom was referred the "Petition of 29 inhabitants of Juab county, praying for the distribution of the public library," reported adversely thereon, considering Legislative action upon the subject impolitic, if not contrary to the provisions of Sec. 14 of the organic act.

On motion of Mr. Long, the report was accepted, and the committee discharged from further duties on that subject.

(H. F. No. 6) "An act repealing an act incorporating the city of Palmyra, and certain sections in several other acts of incorporation," was taken up on its second reading, and,

On motion of Mr. Stout, was amended.

On motion of Mr. West, the bill passed its second reading.

On motion of Mr. Stout, the bill passed its third reading.

The bill was read by its title, and amended, so as to read "An act repealing an act incorporating the city of Palmyra, and certain sections of other acts herein named."

Mr. Eldredge, chairman of committee on public domain and school lands, to whom was referred three Petitions with regard to fish traps, fisheries, etc., reported the accompanying bill:

(H. F. No. 16) "An act in relation to fish traps and fisheries," which was read, and,

On motion of Mr. Long, the report of the committee was accepted, and the bill laid on the table to come up in its order.

(H. F. No. 13) "An act amending an act granting to Lewis Robinson and Joshua Terry the right of building a toll bridge across Green river, approved Jan. 18, 1861," was taken up on its first reading, and,

On motion of Mr. Callister, passed its first reading.

(H. F. No. 14) "An act defining the boundaries of counties," was taken up and read, and,



On motion of Mr. Rowberry, passed its first reading.  
Robison and Joshua Terry the right of building a toll bridge across Green river, approved Jan. 18, 1861," was taken up on its second reading, and,

On motion of Mr. Long, the bill passed its second reading.

On motion of Mr. Long, the bill passed its third reading.

Said bill was read by its title, and so passed.

The minutes were called for, read and accepted.

On motion of Mr. Hatch, the House adjourned till to-morrow at 1 p.m.

Benediction by the Chaplain.

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SATURDAY, JANUARY 11, 1862.

### COUNCIL.

COUNCIL CHAMBER, G. S. L. City, }  
Jan. 11, 1862, 1 o'clock p.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Woodruff presented, Petition signed by A. H. Raleigh, and 38 others, praying for chartered rights under the name of the Jordan Irrigation Company, which was read, and,

On motion of Councilor Cummings, was referred to the committee on incorporations.

A communication from E. W. East, in relation to fees, was received and read:

On motion of Councilor Woodruff, the subject was referred to the committee on judiciary, with instructions to examine into the necessity of an alteration of the fee bill.

Councilor Richards presented the following report:

"Your committee, to whom was referred, the 'Petition of 203 citizens of Provo valley to organize the tract of country therein described into a county,' respectfully report the accompanying bill, entitled, 'An act to organize Wasatch county.'"

On motion of Councilor Geo. A. Smith, the subject of the bill was referred back to the committee on counties, to be incorporated in a general bill to be presented, fixing county lines.

The following communication was received from the House:

"REPRESENTATIVES' HALL, Jan. 10th, 1862.

HON. DANIEL H. WELLS, President.

SIR:—The House of Representatives have this day passed the accompanying bills, viz.: (H. F. No. 6) 'An act repealing an act incorporating the city of Palmyra, and certain sections of other acts herein named,' and (H. F. No. 13) 'An act amending an act granting to Lewis Robison and Joshua Terry the right of building a toll bridge across Green river, approved Jan. 18, 1861,' which are respectfully submitted for your legislative action thereon.

Respectfully,

JOHN TAYLOR, Speaker."

(H. F. No. 6) "An act repealing an act incorporating the city of Palmyra and certain sections of other acts therein named," was read, and,

On motion of Councilor Geo. A. Smith, was referred to the committee on incorporations.

(H. F. No. 13) "An act amending an act granting to Lewis Robison and Joshua Terry the right of building a toll bridge across Green river, approved Jan. 18, 1861," was read, and,

On motion of Councilor Woodruff, the bill was concurred in, and ordered to be so returned to the House.

Councilor Carrington presented the following report:

"GREAT SALT LAKE CITY, Jan. 11, 1862.

TO THE HON. THE PRESIDENT AND COUNCIL:

GENTLEMEN:—Your select committee, to whom was referred 'An act in relation to attachments and garnishments,' herewith return said Act, with amendments, and respectfully recommend its passage as amended.

A. CARRINGTON, Chairman of Committee."

The bill was taken up on its second reading, passed as amended, and,

On motion of Councilor Woodruff, the bill was read the third time, by its title, so passed, and returned to the House for concurrence in the amendments.

Councilor Cummings presented the following report:

"The committee on incorporations, to whom was referred the accompanying bill (H. F. No. 10) 'An act amending certain acts herein named,' respectfully report back the bill amended, by adding Sec. 7 thereto, and would recommend its passage.

Respectfully,

J. W. CUMMINGS,

In behalf of Committee on Incorporations."

The bill was read as amended, and,

On motion of Councilor Smith, the amendment was sustained, and,

On motion of Councilor Carrington, the bill was referred to a special committee of Councilor Geo. A. Smith, with instructions to incorporate the same into the compilation act (C. F. No. 13), which was taken up, and referred for that purpose to said committee, who was also instructed to incorporate in said Act the laws of last session, to report as early as convenient, and to employ the necessary clerk hire for that purpose.

Accounts were presented of W. I. Appleby, for services rendered the Territory as clerk of Supreme Court, amounting to \$31 60, which was read, and,

On motion of Councilor Woodruff, was referred to the committee on claims, with instructions to ascertain whether the Territory is liable for those services.

Councilor Harrington presented the following report:

"The committee on roads, bridges, ferries and kanyons, to whom was referred, 'An act providing for a poll tax for road purposes,' return the same with an amendment in the 2d line of the 2d Section, by substituting the word 'two' for the word 'three,' and recommend its passage as amended.

L. E. HARRINGTON.

The bill was read as amended, and passed to its second reading.

Sec. 1 was amended by inserting the word "sixteen" in lieu of "eighteen" in 5th line, and,

On motion of Councilor Carrington, the words "able bodied" were added next after the word "every" in 4th line of 1st section.

On motion of Councilor Hess, the words "or city street" were inserted next after the word "road" in 6th line of 1st Section.

On motion of Councilor Carrington, the word "two" was stricken out, and the words "one and a half" inserted in lieu thereof in 1st Section, 4th line.

Sec. 2 being under consideration,

On motion of Councilor Smith, the bill was referred to the committee on roads, with instructions.

The minutes were called for, read and accepted.

On motion of Councilor Spencer, the Council adjourned till Monday at 11 a.m.

Benediction by the Chaplain.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,  
 Jan. 11, 1862, 1 p.m. }

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The following report was received and read:

"COMMITTEE ROOM, Jan. 11th, 1862.

MR. SPEAKER AND MEMBERS OF THE HOUSE:

GENTLEMEN:—Your committee on Penitentiary have the pleasure to announce that we had an interview, yesterday afternoon, with ex-Warden Carn, and that he informed us that a part of the claims referred to in our report No. 2 of yesterday, against the United States for expenses incurred on the United States' convicts, are in successful progress of collection, and about \$1,920 is or will be subject to his order in a few days, as the claims were forwarded in his name.

And whereas, he has lain out of his dues for services as Warden a number of years, he respectfully asks that he may be permitted to retain so much of such funds as will cancel the acknowledged claims of his against the Territory for services as Warden and for supplies.

Mr. Carn manifests his willingness to pay over to the proper officer any and all monies that may be collected in his name from the United States, accruing on the United States convicts during his Wardenship.

Respectfully submitted by your committee.

A. P. Rockwood, Chairman."

On motion of Mr. Long, the report of the committee was accepted, and the committee were instructed to present a resolution granting the request of the Warden in relation to his retaining the money due him for services.

Mr. Holbrook, chairman of committee on incorporations, to whom was referred back

(H. F. No. 3) "An act to repeal certain city charters," and also certain petitions from the citizens of several other cities for the repeal of their city charters, reported that, having conferred with the committee on petitions and memorials, in conformity with the instructions of the House, respectfully submitted the accompanying act as a substitute.



(H. F. No. 17) "An act repealing certain acts herein named."

On motion of Mr. West, the report was accepted, and the bill laid on the table to come up in its order.

The following report was received and read:

"COMMITTEE ROOM, Jan. 11th, 1862.

HON. SPEAKER AND MEMBERS OF HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee, to whom was referred the petition of 124 citizens of Washington county, praying for an appropriation to be expended, under the direction of the County Court of Washington county, for the purpose of opening and improving the roads, report that, in the opinion of your committee, an appropriation would be judiciously expended in opening and improving the roads in that county, and thus facilitate the development of the resources of that newly-settled country, and we further recommend that the sum of two thousand dollars be appropriated for this purpose.

Respectfully,  
THOMAS GROVER, Chairman pro tem."

On motion of Mr. Stout, the report was accepted, and the committee on claims and appropriations instructed to incorporate the same in the Territorial Appropriation Bill.

Mr. Johnson, chairman of special committee, to whom was referred petition of Levi Stewart for the location and opening a road west of Utah Lake, having considered the subject, reported the accompanying act.

(H. F. No. 18) "An act to provide for locating and opening a road west of Utah Lake."

On motion of Mr. Long, the report was received, and the bill laid on the table to come up in its order.

The following bills were received and read:

"THE TERRITORY OF UTAH,

TO THOMAS BULLOCK, DR.

1860.	To twenty-six days' service copying records, journal, etc., for the Legislature of 1859-60,	
Jan.	which was required by the Governor to be done, and which could not be done during the session, and comparing journal with	
and		
Feb.	copy	\$78 00
	Assistant two days comparing journal	6 00
	Paid postage on letters to probate judges and notary publics	96
		<hr/>
		\$84 96

## "THE TERRITORY OF UTAH,

TO THOMAS BULLOCK, Dr.

1861.	To twenty-three days' service copying records,	
Jan.	Legislative Journal, etc., etc., for the Legis-	
Feb.	lature of 1860-1, which was required by	
and	the Governor to be done, and which could	
March.	not be done during the session	69 00
	Two days comparing Journal with minutes	6 00
	An assistant two days	6 00
		<hr/>
		\$81 00

On motion of Mr. Stout, said bills were referred to the committee on claims and appropriations.

Mr. Long presented,

(H. F. No. 19) "An act regulating the assessing and collecting of county, territorial and city taxes," which was read, and,

On motion of Mr. Woolley, was laid on the table to come up in its order.

The following was received and read:

"COUNCIL CHAMBER, Jan. 11, 1862.

HON. JOHN TAYLOR, Speaker:

The Council has concurred in (H. F. No. 13) 'An act amending an act granting to Lewis Robison and Joshua Terry the right of building a toll bridge across Green river,' approved Jan. 18, 1861, and is returned to be engrossed.

Respectfully,

D. H. WELLS, President."

(H. F. No. 15) "An act repealing the several acts in relation to Penitentiary and for other purposes," was taken up on its first reading, and,

On motion of Mr. West, passed.

(H. F. No. 16) "An act in relation to fish traps and fisheries," was taken up on its first reading, and,

On motion of Mr. Long, was referred to a special committee.

The Speaker appointed Messrs. West, Long and Maughan said committee.

(H. F. No. 14) "An act defining the boundaries of counties," was taken up on its second reading, and,

On motion of Mr. West, was referred back to the committee on counties.

On motion of Mr. Thompson, said committee were instructed to confer with the council committee on the subject.

On motion of Mr. Long,

(H. F. No. 19) "An act regulating the assessing and collecting of County, Territorial and City taxes," was taken up on its first reading, and,

On motion of Mr. Hatch, passed.

On motion of Mr. Stout, said bill was made the first business in order on Monday.

On motion of Mr. Stout,

(H. F. No. 17) "An act repealing certain acts herein named," was taken up on its first reading, and,

On motion of Mr. Rowberry, was passed.

The following was received and read:

"COMMITTEE ROOM, Jan. 11, 1862.

HON. SPEAKER AND MEMBERS HOUSE REPRESENTATIVES:

GENTLEMEN:—The ex-Warden of the Penitentiary, Daniel Carn, had an interview with your committee on yesterday, and presented a claim asking for an appropriation of \$1,000 to remunerate him for supplies furnished United States convicts during his term of office. The Warden was under the impression that he was to receive his pay for such supplies from the United States Government, hence, the reason for not presenting the claim to your honorable body sooner.

Your committee investigated the above claim, and are satisfied that the Warden has not been paid by the government, and that he should receive his pay from the Territory, and that the Territory is the proper party to adjust said claim.

By request of Mr. Carn, your committee respectfully present the above claim.

H. B. CLAWSON, Chairman of Committee."

On motion of Mr. Stout, the committee on claims and appropriations were instructed to incorporate the sum of \$800 in the Territorial appropriation bill in liquidation of said claim.

A message was received from the Council informing the House that they had passed,

(H. F. No. 2) "An act in relation to attachments and garnishments," with certain amendments, and returning said bill for concurrence in the amendments.

Said bill was read as amended, and,

On motion of Mr. Stout, the House concurred in the amendments of the Council.

The minutes were called for, read and accepted.

On motion of Mr. Long, the House adjourned till Monday at 1 p.m.

Benediction by the Chaplain.

MONDAY, JANUARY 13, 1862.

COUNCIL.

COUNCIL CHAMBER, G. S. L. City, }  
Jan. 13th, 1862, 11 o'clock a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communication was received and read:

"EXECUTIVE OFFICE, G. S. L. City,  
Dec. 18, 1862.

HON. D. H. WELLS, President:

SIR:—The following have been approved:

1. 'Memorial to Congress for a donation of land to cities, towns and villages, and for the aid of common schools.'
2. 'Memorial to Congress for daily mail.'
3. 'Memorial for a national central railroad.'

Respectfully,

FRANK FULLER, Acting Governor."

Councilor Cummings presented, petition signed by Wm. Miller and 115 other citizens of Utah county, praying for an appropriation of \$500 to repair the Provo bridge on the Territorial road in that county, which was read, and,

On motion of Councilor Cummings, the petition was referred to the committee on roads, etc.

Councilor Cummings presented a petition for increase of fees of district courts, signed by Patrick Lynch, clerk of Third Judicial District, which was read, and referred to the committee on revenue.

Councilor Geo. A. Smith presented, petition of citizens of St. George, in Washington county, praying for a charter for a city, with boundaries as set forth, which was read; also a bill accompanying said petition, entitled (C. F. No. 15) "An act to incorporate the city of St. George, in Washington county," which was read, and,

On motion of Councilor Cummings, the bill was laid on the table to come up in its order.

Councilor Woodruff presented a communication from J. W. Fox, Territorial Surveyor General in relation to time expended by him



in his office, and moved that the committee on appropriations be instructed to include in the Territorial Appropriation Bill the sum of \$500 for the relief of that officer.

The communication was read, and the motion was seconded and carried.

Councilor Geo. A. Smith, to whom was referred the two bills (C. F. No. 13) "An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, and embodying certain amendments," and, (H. F. No. 10) "An act amending certain acts therein named," reported back the two bills, the former amended with additions and having in it incorporated the substance of the latter bill, so recommended its passage.

On motion of Councilor Cummings, the bill (C. F. No. 13) "An act in relation to the compilation," etc., was taken up on its second reading.

On motion of Councilor Carrington, the words "naturalization of aliens," and references thereto, were stricken out of the 2d Section.

On motion of Councilor Carrington, the words "An act governing writs of attachments and capias," and references thereto, were stricken out.

On motion of Councilor Woodruff, the words "An act to incorporate the Deseret Iron Company," and references thereto, were stricken out.

The bill then passed its second reading.

On motion of Councilor Carrington, the bill so passed its third reading by its title, and was sent to the House for concurrence, and,

On motion of Councilor Cummings, the bill (H. F. No. 10) "An act amending certain acts therein named," being merged, the bill (C. F. No. 13) now passed by the Council, was accordingly returned to the House.

The following messages were received from the House:

"REPRESENTATIVES' HALL, 13th Jan., 1862.

HON. D. H. WELLS, President:

SIR:—The House of Representatives has this day passed the accompanying bill (H. F. No. 5) 'An act repealing a portion of an act in relation to the judiciary,' which is herewith respectfully submitted for your concurrent action thereon.

Respectfully,

JOHN TAYLOR, Speaker."

"REPRESENTATIVES' HALL, January 13, 1862.

HON. DANIEL H. WELLS, President:

SIR:—The House of Representatives has this day passed the accompanying bill (H. F. No. 21) 'An act locating the county seat of Juab county,' which is now respectfully submitted for your Legislative action thereon. Respectfully,

JOHN TAYLOR, Speaker."

(H. F. No. 21) "An act locating the county seat of Juab county" was taken up, read, and,

On motion of Councilor Benson, the Council concurred in the bill, and ordered it to be so returned to the House.

Councilor Hyde made the following report:

"MR. PRESIDENT:

The committee on roads, to whom was referred the petition of a portion of the citizens of Provo city, Utah county, asking an appropriation of five hundred dollars to repair the bridge over Provo river, on the Territorial road, would respectfully report that said petition should be granted, in the opinion of your committee; provided the people of Provo, and of other towns south of Provo, in Utah county, will voluntarily contribute an additional sum sufficient to complete the repairs on said bridge; and to make the road good from Provo city to the top of the first dug way north west of the bridge to the acceptance of the Territorial Road Commissioner, and that the certificate of said commissioner that the repairs before named on said bridge and road, are well and faithfully done, and that the same are in good and safe condition for public traveling, shall be the draft of the petitioners on the treasury for the amount; and that the committee on appropriations be instructed to incorporate the above sum in the general Territorial Appropriation Bill, subject to the conditions contained in this report.

ORSON HYDE, Chairman."

On motion of Councilor Geo. A. Smith, the report was accepted, and the subject and recommendation contained in the report were referred to the committee on appropriations.

(C. F. No. 15) "An act to incorporate the city of St. George, in Washington county," was taken up, and,

On motion of Councilor Geo. A. Smith, was referred to the committee on incorporations.

Councilor Richards made the following report:

"COMMITTEE ROOM, Jan. 13, 1862.

TO THE PRESIDENT AND COUNCIL:

GENTLEMEN:—Your committee on education to whom was re-

ferred (H. F. No. 9) 'An act in relation to the Superintendent of Common Schools,' respectfully recommend the passage of the bill with accompanying amendment; to wit, after the word 'Superintendent' in the first line of Sec. 2, insert "to keep a record of the condition of common schools through the Territory as reported to him and'.

Respectfully,

F. D. RICHARDS."

The report was accepted and the bill was laid on the table to come up in its order.

Councilor Cummings, chairman of the committee on claims, to whom was referred the claim of Wm. I. Appleby for services in connexion with the Supreme Court of the Territory, reported adversely to the same.

On motion of Councilor Hess, the report was accepted and the committee discharged from further consideration of the subject.

The minutes were called for, read and accepted.

On motion of Councilor Benson, Council adjourned till tomorrow at 11 o'clock a.m.

Benediction by the Chaplain.

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## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,

Jan. 13, 1862, 1 p.m.

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Snow reported the following:

HON. SPEAKER AND MEMBERS HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee, to whom was referred, (H. F. No. 8) entitled 'An act in relation to the Provo kanyon road,' have well and faithfully considered the subject, in connection with Messrs. Woolley and Long, who were added to their number, they have obtained all the information within their reach having relevance to the question, and most respectfully recommend the passage of the accompanying substitute.

Very respectfully,

BERNARD SNOW, Chairman."

Said substitute (H. F. No. 20) "An act in relation to the Provo kanyon road," was read, and,

On motion of Mr. Maughan, the report was received, and the bill laid on the table to come up in its order.

Mr. Rockwood, chairman of committee on Penitentiary, to whom was referred the subject in relation to bringing in a resolution enabling Daniel Carn to retain certain money, reported the accompanying Resolution, and recommended its adoption.

Said Resolution was read, and,

On motion of Mr. West, was laid on the table to come up in its order.

The order of the day,

(H. F. No. 19) "An act regulating the assessing and collecting of County, Territorial and City taxes," was taken up on its second reading, and,

On motions, the bill passed its second reading by sections.

Mr. Midgley presented,

(H. F. No. 21) "An act locating the county seat of Juab county," which was read, and,

On motion of Mr. Stout, laid on the table to come up in its order.

Mr. Midgley moved, that the committee on claims and appropriations be instructed to consider the propriety of incorporating the sum of \$22 50 in the Territorial appropriation bill, to reimburse the County Court of Juab county for material furnished and work done in repairing the Sevier bridge, during the year 1861. Seconded and carried.

(H. F. No. 18) "An act to provide for locating and opening a road west of Utah lake," was taken up on its first reading, and,

On motion of Mr. Long, passed.

(H. F. No. 15) "An act repealing the several acts in relation to the Penitentiary, and for other purposes," was taken up on its second reading by sections,

Pending the discussion of which, the bill was referred back to the committee on Penitentiary for amendment, to which committee Mr. Stout was added on the amendment of said bill.

(H. F. No. 17) "An act repealing certain acts herein named," was taken up on its second reading by sections, and,

On motion of Mr. West, the enacting clause thereof was stricken out.

(H. F. No. 5) "An act repealing a portion of an act in relation to the judiciary," was taken up on its second reading, and,

On motion of Mr. Long, passed.

On motion of Mr. Stout, the bill passed its third reading by its



On motion of Mr. Long,  
 (H. F. No. 21) "An act locating the county seat of Juab county,"  
 was taken up on its first reading, and,  
 On motion of Mr. Thompson, passed.  
 Said bill was taken up on its second reading, and,  
 On motion of Mr. Hatch, passed.  
 On motion of Mr. Long, said bill passed its third reading by its  
 title.

The following report was received and read:

"COMMITTEE ROOM, Jan. 13, 1862.

HON. SPEAKER AND MEMBERS HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee having duly examined into the  
 claim of James A. Little, for services as Warden of the Utah Peni-  
 tentiary during the year 1861, beg leave to report, that there is

Due James A. Little, for services as Warden during the year ending Jan. 31, 1862, the sum of	\$1,000 00
James A. Little has received on account of services, as per Director's report, Dec., 1861	\$773 39
Amount received from United States mar- shal for board of United States con- victs, as per Penitentiary book	7 00

Total received	\$780 39
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Leaving a balance due James A. Little, for services as Warden, the sum of	\$219 61
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H. B. CLAWSON,  
 Chairman of Committee on Claims."

On motion of Mr. Maughan, the report was received.  
 The minutes were called for, read and accepted.  
 On motion of Mr. Stout, the House adjourned till to-morrow at  
 1 p.m.  
 Benediction by the Chaplain.

TUESDAY, JANUARY 7, 1862.

COUNCIL.

COUNCIL CHAMBER, G. S. L. City, }  
Jan. 14th, 1862, 11 o'clock a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Smith, in behalf of the committee on incorporations, to whom was referred, (C. F. No. 15) "An act to incorporate the city of St. George, in Washington county," reported back the same amended, and so recommended its passage.

The bill was placed on its second reading by sections, passed its second reading, and,

On motion of Councilor Smith, the bill was read the third time by its title, passed, and ordered to be sent to the House for concurrence.

Councilor Cummings, in behalf of the committee on incorporations, to whom was referred the Petition of A. H. Raleigh, and others, praying for chartered rights as an irrigating company, presented,

(C. F. No. 16) "An act to incorporate the Jordan Irrigation Company," which was read, and,

On motion of Councilor Woodruff, was placed on its second reading by sections.

The bill passed its second reading, and,

On motion of Councilor Hess, the bill was read the third time by its title, so passed, and sent to the House for concurrence.

(H. F. No. 9) "An act in relation to the superintendents of common schools," was taken up and read as received amended from the committee on education.

On motion of Councilor Smith, the bill was read the second time, passed, and,

On motion of Councilor Smith, the bill was read the third time by its title, so passed, and ordered to be returned to the House for concurrence in the amendment.

(C. F. No. 3) "An act concerning the collection and payment by the Territory of Utah of her apportionment of the direct tax, apportioned by an act of Congress, and approved August 5, 1861," was taken up on its second reading, and, while under consideration,

On motion of Councilor Geo. A. Smith, the Council adjourned to meet the House in joint session.

The Council having returned to their chamber,

Councilor Geo. A. Smith, from the committee on judiciary, presented,

(C. F. No. 17) "An act defining the judicial districts for the United States courts in the Territory of Utah," which was read and,

On motion of Councilor Woodruff, passed its first reading.

Councilor Geo. A. Smith, from the committee on judiciary, presented,

(C. F. No. 18) "An act assigning the Chief-Justice and two associate justices to their several judicial districts," which was read, and laid on the table to come up on its second reading when called for.

Councilor Geo. A. Smith, from said committee, presented,

(C. F. No. 19) "An act specifying the times and places of holding district courts for the transaction of Territorial business," which was read, and laid on the table to come up on its second reading.

The Council resumed consideration of the bill (C. F. No. 3) in relation to the United States direct tax, and,

On motion of Councilor Woodruff, the bill was referred, the House concurring, to a joint committee of two on the part of the Council, and three on the part of the House, to report at an early day, and,

The President appointed Councilors Harrington and Cummings that committee on the part of the Council.

Councilor Cummings made the following report:

"COUNCIL CHAMBER, Jan. 14, 1862.

TO THE PRESIDENT AND LEGISLATIVE COUNCIL:

GENTLEMEN:—The committee on incorporations, to whom was referred, (H. F. No. 6) 'An act repealing an act incorporating the city of Palmyra, and certain sections of other acts therein named,' have examined the same, and report it back without amendment, and recommend the passage of the same.

Respectfully,

J. W. CUMMINGS,

In behalf of Committee on Incorporations."

The bill (H. F. No. 6) was taken up on its second reading, passed, and,

On motion of Councilor Smith, was read the third time by its title, passed, and so returned to the House.

The following message was received from the House:

"REPRESENTATIVES' HALL, Jan. 14th, 1862.

HON. DANIEL H. WELLS, President:

The House of Representatives have concurred in your bill (C. F. No. 13) 'An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, and embodying certain amendments.'

The House have also concurred in your amendments to (H. F. No. 9) 'An act in relation to the Superintendent of Common Schools.'

Respectfully,

JOHN TAYLOR, Speaker."

The following message was received from the House:

"REPRESENTATIVES' HALL, Jan. 14th, 1862.

HON. D. H. WELLS, President:

SIR:—The House of Representatives have adopted the accompanying 'Memorial to Congress for the admission of Utah into the Union as a sovereign State,' and respectfully solicit your concurrence.

Truly yours,

JOHN TAYLOR, Speaker."

The memorial, as received from the House, was read, and,

On motion of Councilor Hyde, was referred to the committee on memorials.

Councilor Hyde, chairman of the committee on roads, bridges, ferries and canyons, reported back (H. F. No. 7) "An act providing for a poll tax for road purposes," amended, with a new section in lieu of Sec. 2.

The bill was read as amended.

On motion of Councilor Harrington, the words "after reserving therefrom an amount sufficient to remunerate himself for his services, as hereinafter provided," were inserted at the end of the 1st Section.

On motion of Councilor Smith, the section received from the committee on roads, etc., was rejected, and the words "County Court" were stricken out, and "Probate Judge or clerk of the County Court" inserted in 1st line in 2d Section.

On motion of Councilor Smith, the words "to the acceptance of the County Court" were stricken out, and the words "to be paid out of the poll tax of his district" were inserted in lieu thereof at the end of 2d Section.

It was sustained to retain the word "two" in second line of 2d Section, in lieu of "three" as received from the House.



On motion of Councilor Hyde, the words "the amount of said means" were stricken out of 6th Section.

The bill so passed its second reading, and,

On motion of Councilor Hess, the bill passed its third reading by its title, and was sent to the House for concurrence in the amendments.

The following message was received from the House:

"REPRESENTATIVES' HALL, Jan. 14th, 1862.

HON. DANIEL H. WELLS, President:

SIR:—The House of Representatives have concurred in your action in relation to (C. F. No. 3) 'An act concerning the direct tax,' etc., on its reference to a joint committee, and have appointed Messrs. West, Stout and Maughan said committee on the part of the House.

Respectfully,

JOHN TAYLOR, Speaker."

The minutes were called for, read and accepted.

On motion of Councilor Spencer, the Council adjourned till tomorrow at 11 a.m.

Benediction by the Chaplain.

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## JOINT SESSION.

REPRESENTATIVES' HALL, G. S. L. City, }

Jan. 14th, 1862, 1 p.m. }

The Legislative Assembly met in joint session, according to previous agreement.

The President of the Council presiding.

Roll of Council called; quorum present.

Roll of House called; quorum present.

Prayer by the Chaplain of the House.

The President declared the joint session open, and ready for the business before them of electing the officers elective by the joint vote of the Assembly.

On motion of Councilor Benson, Albert Carrington was elected Chancellor of the University.

On motion of Mr. John V. Long, Geo. W. Mousely was elected a Regent of the University.

On motion of Mr. West, John V. Long was elected a Regent of the University.

On motion of Councilor Benson, T. B. H. Stenhouse was elected a Regent of the University.

On motion of Councilor Richards, Carl G. Measer was elected a Regent of the University.

On motion of Mr. Hatch, Jos. A. Young was elected a Regent of the University.

On motion of Mr. Farr, Robert L. Campbell was elected a Regent of the University.

On motion of Councilor Smith, Gilbert Clements was elected a Regent of the University.

On motion of Mr. John V. Long, Henry I. Doremus was elected a Regent of the University.

On motion of Councilor Hyde, Wm. Eddington was elected a Regent of the University.

On motion of Councilor Smith, Thomas Bullock was elected a Regent of the University.

On motion of Mr. Hatch, Samuel W. Richards was elected a Regent of the University.

On motion of Councilor Benson, Isaac Groo was elected a Regent of the University.

On motion of Councilor Smith, Thomas W. Ellerbeck was elected Treasurer of the University.

On motion of Mr. West, David O. Calder was elected Territorial Treasurer.

On motion of Mr. Stout, William Clayton was elected Auditor of Public Accounts.

On motion of Mr. Farr, Theodore McKean was elected Territorial Road Commissioner.

On motion of Mr. Long, Henry W. Lawrence was elected Territorial Marshal.

On motion of Councilor Benson, Seth M. Blair was elected Attorney-General.

On motion of Mr. Long, Wm. Snow was elected District Attorney for the First Judicial District.

On motion of Councilor Smith, Hosea Stout was elected District Attorney for the Second Judicial District.

On motion of Councilor Hyde, Jesse W. Fox was elected Territorial Surveyor-General.

On motion of Mr. Hatch, John Lyon, sen., was elected Librarian.

On motion of Councilor Hyde, Wm. Clayton was elected Recorder of Marks and Brands.

On motion of Mr. West, Frederick Kesler was elected a Director of the Penitentiary.

On motion of Councilor Benson, Feramor Little was elected a Director of the Penitentiary.

On motion of Mr. Farr, Ebenezer R. Young was elected a Director of the Penitentiary.

On motion of Mr. Stout, Albert P. Rockwood was elected Warden of the Penitentiary.

On motion of Mr. Long, Nathan Davis was elected Sealer of Weights and Measures.

On motion of Mr. Long, James D McCullough was elected Probate Judge of Washington county.

On motion of Mr. Crosby, James G. Bleak was elected Notary Public for Washington county.

On motion of Councilor Benson, Silas S. Smith was elected Probate Judge of Iron county.

On motion of Councilor Smith, Calvin C. Pendleton was elected Notary Public for Iron county.

On motion of Mr. Stout, Daniel M. Thomas was elected Probate Judge of Beaver county.

On motion of Councilor Smith, Nathan H. Carlow was elected Notary Public for Beaver county.

On motion of Mr. Callister, Thomas R. King was elected Probate Judge of Millard county.

On motion of Mr. Callister, Joseph V. Robinson was elected Notary Public for Millard county.

On motion of Councilor Hyde, R. Wilson Glenn was elected Probate Judge of Sanpete county.

On motion of Mr. Snow, John Eager was elected Notary Public for Sanpete county.

On motion of Mr. Midgley, Andrew Love was elected Probate Judge of Juab county.

On motion of Mr. Midgley, Samuel Pitchforth was elected Notary Public for Juab county.

On motion of Councilor Harrington, Aaron Johnson was elected Probate Judge of Utah county.

On motion of Councilor Cummings, Albert K. Thurber was elected Notary Public for Utah county.

On motion of Councilor Woodruff, Elias Smith was elected Probate Judge of Great Salt Lake county.

On motion of Mr. West, John T. Caine was elected Notary Public for Great Salt Lake county.

On motion of Councilor Smith, W. W. Phelps was elected Notary Public for Great Salt Lake county.

On motion of Mr. Stout, Thomas Grover was elected Probate Judge of Davis county.

On motion of Councilor Hess, James Leithhead was elected Notary Public for Davis county.

On motion of Mr. West, Francis A. Brown was elected Probate Judge of Weber County.

On motion of Mr. Farr, Wm. Creitchlow was elected Notary Public for Weber county.

On motion of Mr. Maughan, Jonathan C. Wright was elected Probate Judge of Box Elder county.

On motion of Mr. West, Samuel Smith was elected Notary Public for Box Elder county.

On motion of Mr. Stout, Peter Maughan was elected Probate Judge of Cache county.

On motion of Mr. Maughan, James H. Martineau was elected Notary Public for Cache county.

The following communication was received and read:

"EXECUTIVE DEPARTMENT, G. S. L. City,  
Jan. 14th, 1862.

HON. DANIEL H. WELLS, President:

HON. JOHN TAYLOR, Speaker:

GENTLEMEN:—I desire to submit to the joint session of your honorable bodies the name of Wm. A. Carter, the present incumbent of the office of judge of probate for Green River county, as a candidate for re-election.

Respectfully,

FRANK FULLER, Acting Governor."

On motion of Councilor Benson, Wm. A. Carter was elected Probate Judge of Green River county.

On motion of Mr. Stout, Wm. A. Carter was elected Notary Public for Green River county.

On motion of Councilor Benson, Thomas Rhoads was elected Probate Judge of Summit county.

On motion of Councilor Smith, Samuel P. Hoyt was elected Notary public for Summit county.

On motion of Mr. Stout, Evan M. Creene was elected Probate Judge of Tooele county.

On motion of Mr. Maughan, Lysander Gee was elected Notary Public for Tooele county.

Minutes read and accepted.

On motion of Councilor Smith, the joint session dissolved.



## HOUSE

REPRESENTATIVES' HALL, G. S. L. City, }  
Jan. 14th, 1862, 1 p. m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The House went into joint session.

*(See Joint Session minutes.)*

On joint session dissolving, the House resumed its sitting.

The following was received and read:

"EXECUTIVE OFFICE, G. S. L. City,  
Jan. 14th, 1862.

HON. JOHN TAYLOR, Speaker:

SIR:—An act amending 'an act granting to Lewis Robison and Joshua Terry the right of building a toll bridge across Green river,' approved Jan. 18, 1861, received from your honorable body on the 13th inst., has been approved this day.

Respectfully,

FRANK FULLER, Acting Governor."

The following was also received and read:

"COUNCIL CHAMBER, Jan. 13, 1862.

HON. JOHN TAYLOR, Speaker:

SIR:—The accompanying bill (C. F. No. 13) 'An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, and embodying certain amendments,' having passed the Council, is respectfully forwarded for the action of the House, and

Your bill (H. F. No. 10) 'An act amending certain acts therein named,' is herewith returned, the substance of said bill having been included in the bill above mentioned.

Your bill (H. F. No. 21) 'An act locating the county seat of Juab county,' is also herewith returned, having been concurred in by the Council.

Respectfully,

DANIEL H. WELLS, President."

(C. F. No. 13) "An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, and embodying certain amendments," was taken up, and,

On motion of Mr. Stout, the bill was concurred in, and ordered to be so returned to the Council.

The following report was received and read:

"COUNCIL CHAMBER, Jan. 14, 1862.

HON. JOHN TAYLOR, Speaker:

SIR:—The accompanying bill (C. F. No. 15) entitled 'An act to incorporate the city of St. George, in Washington county,' having passed the Council, is now forwarded for the action of the House.

The accompanying bill (C. F. No. 16) 'An act to incorporate the Jordan Irrigation Company,' having passed the Council is also forwarded for your action.

Your bill (H. F. No. 9) 'An act in relation to the Superintendents of Common Schools' is herewith returned, having been concurred in by the Council with an amendment to the 2d Sec., to wit, the words 'to keep a faithful record of the condition of common schools throughout the Territory, as reported to him by the county superintendents, and' are inserted next after the word 'superintendent' in first line thereof, in which amendment your concurrence is solicited.

Respectfully,

DANIEL H. WELLS, President."

On motion of Mr. Long, the House concurred in the amendments to (H. F. No. 9) "An act in relation to the Superintendents of Common Schools."

Mr. Stout presented, petition of 29 citizens for an appropriation of \$1,000 to improve the road at the Point of the Mountain between Great Salt Lake and Utah valleys, which was read, and,

On motion of Mr. West, the committee on claims and appropriations were instructed to incorporate the same in the Territorial Appropriation Bill, to be expended under the supervision of the Territorial Road Commissioner.

The following was received and read:

"HON. SPEAKER AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee on petitions and memorials deem it important to memorialize Congress upon the subject of the admission of Utah into the family of States, contemplating, as they do, the adoption of a Republican Constitution by the Convention, which is expected to convene in this city during the present month, they therefore respectfully present the accompanying memorial and recommend its adoption.

J. V. LONG, Chairman."

"Memorial to Congress for the admission of Utah into the Union," was taken up and read, and,

On motion of Mr. Stout, adopted.

Mr. Rockwood, chairman of committee on Penitentiary, to whom was referred the claim of Mr. Beattie for services as clerk of the board of directors and warden of the Penitentiary, recommended that the committee on claims and appropriations be instructed to incorporate the sum of \$100 in the Territorial Appropriation Bill in full for said claim.

Mr. Rhoads presented,

(H. F. No. 22) "An act locating the county seat of Summit county," which was read, and,

On motion of Mr. Thompson, passed its first reading.

Mr. Farr, chairman of committee on elections, to whom was referred the motion of Mr. Long, of the 4th inst., in relation to an act to equalize the representation of the people of the several counties in the Legislative Assembly of this Territory, reported the accompanying act.

(H. F. No. 23) "An act apportioning the representation of Utah Territory," which was read, and,

On motion of Mr. Stout, the report of the committee was accepted, and the bill laid on the table to come up in its order.

The following was received and read:

"COMMITTEE ROOM, Jan. 13th, 1862.

HON. SPEAKER AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee, to whom was referred the petition of 58 citizens of Beaver county, praying for an appropriation to be expended on the State Road, within the limits of said county, having considered the subject, would respectfully recommend that the prayer of said petitioners be granted, and the committee on claims and appropriations be instructed to incorporate the sum of three hundred and fifty dollars in the Territorial Appropriation Bill, for the purpose set forth in the petition.

Yours faithfully,

BERNARD SNOW, Chairman."

On motion of Mr. Thompson, the committee on claims and appropriations were instructed to incorporate the same in the Territorial Appropriation Bill.

Mr. Long moved, that the committee on claims and appropriations be instructed to incorporate the sum of \$219.61 in the Territorial Appropriation Bill, it being the sum due James A. Little, Esq., on account of his salary as warden of the Penitentiary. Seconded and carried.

The committee on claims and appropriations were instructed by vote of the House to incorporate in the Territorial Appropriation Bill to the directors of the Penitentiary the sum of \$5,000, or so

much thereof as may be necessary for Penitentiary purposes for the ensuing year.

(H. F. No. 12) "An act for the establishing and regulating stray pounds and for other purposes, was taken up on its first reading, and,

On motion of Mr. West, passed.

The following was received and read:

"COUNCIL CHAMBER, Jan. 14th, 1862.

HON. JOHN TAYLOR, Speaker:

SIR:—The Council has voted to refer their bill (C. F. No. 3) 'An act concerning the direct tax,' etc., to a joint committee, the House concurring, of two on the part of the Council, and three on the part of the House, and has appointed Councilors Harrington and Cummings that committee on the part of the Council. A similar action on your part is solicited.

Your bill (H. F. No. 6) 'An act repealing an act incorporating the city of Palmyra and certain sections of other acts herein named,' is herewith returned, having been concurred in by the Council.

Very respectfully,

DANIEL H. WELLS, President."

On motion of Mr. Stout, the House concurred with the action of the Council in relation to (C. F. No. 3) "An act concerning the direct tax," etc.

The Speaker appointed Messrs. West, Stout and Maughan said joint committee on the part of the House.

(H. F. No. 20) "An act in relation to the Provo kanyon road," was taken up on its first reading, and,

On motion of Mr. Long, passed.

On motion of Mr. Stout, said bill was taken up on its second reading, and pending discussion of Sec. 2, said bill was referred back to the committee for amendment.

The minutes were called for, read and accepted.

On motion of Mr. Callister, the House adjourned till to-morrow 10 a.m.

Benediction by the Chaplain.



WEDNESDAY, JANUARY 15, 1862.

## COUNCIL.

COUNCIL CHAMBER, G. S. L. City, }  
Jan. 15th, 1862, 11 o'clock a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:

“REPRESENTATIVES’ HALL, 15th Jan., 1862.

HON. D. H. WELLS, President:

SIR:—Under date the 13th inst., Mr. Daniel Carn, ex-Warden of the Utah Penitentiary, addressed a note to the House of Representatives, proposing to relinquish all claims against the Territorial treasury on account of United States’ convicts, and also all other claims against the Territory; providing the Legislative Assembly would authorize him to retain the money collected from the United States Government, and other money expected to be collected on account of United States’ convicts, amounting in the whole to some thirty-three hundred dollars, and that he would accept the same as a full and final settlement of all demands against the Territory.

After fully deliberating on the subject, the House has adopted the accompanying ‘Resolution in relation to a final settlement with Daniel Carn, ex-Warden of the Utah Penitentiary,’ and solicit your concurrence.

Respectfully,

JOHN TAYLOR, Speaker.”

The resolution was read as received from the House, and,

On motion of Councilor Benson, the resolution was concurred in, and ordered to be returned to the House.

Councilor Woodruff presented the following report:

TO THE PRESIDENT AND COUNCIL:

GENTLEMEN:—The committee on revenue, to whom was referred the petition of Patrick Lynch, asking for an increase of the fees in a fee bill, approved Jan. 21, 1859, beg. leave to report that they deem it impolitic to make any change in that fee bill during the present session of the Legislature.

W. WOODRUFF, Chairman.”

On motion of Councilor Benson, the report was accepted and the committee discharged from further consideration of the subject. The following message was received from the House:

"REPRESENTATIVES' HALL, Jan. 15th, 1862.

HON. DANIEL H. WELLS, President.

SIR:—The House of Representatives has this day passed the accompanying bill (H. F. No. 18) 'An act to provide for locating and opening a road west of Utah lake,' which is herewith submitted for your action thereon.

The House has also concurred in your amendments to (H. F. No. 7) 'An act providing for a poll tax for road purposes,' excepting your amendment by inserting the words 'or City street,' in line 6, which is stricken out. Do you concur in striking out the words 'or city street?'

Respectfully,

JOHN TAYLOR, Speaker."

On motion of Councilor Woodruff, the Council concurred with the House in the rejection of the words "or City street," from the 1st Sec. of the bill (H. F. No. 7) entitled "An act providing for a poll tax for road purposes," and the House was notified accordingly.

Councilor Benson, chairman of committee on elections, introduced a bill (C. F. No. 20) entitled "An an apportioning the representation of Utah Territory," which was read, and,

On motion of Councilor Spencer, was laid on the table to come up on its second reading.

The bill (H. F. No. 18) "An act to provide for locating and opening a road west of Utah lake," was read, and,

On motion of Councilor Spencer, was referred to the committee on roads.

Councilor Hyde, chairman of committee on roads, to whom was referred (H. F. No. 18) "An act to provide for locating and opening a road west of Utah lake," reported back the bill with an amendment.

The bill was read as amended, and,

On motion of Councilor Hyde, was referred to the committee on appropriations.

Minutes read and accepted.

On motion of Councilor Hyde, Council adjourned till to-morrow at 11 a.m.

Benediction by the Chaplain.

## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City, }

Jan. 15, 1862, 10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The following was received and read:

"COMMITTEE ROOM, Jan. 15th, 1862.

HON. SPEAKER, AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee on roads, bridges, ferries and kanyons, to whom was referred the condition of the Sevier bridge, would report, that from evidence before them, they are satisfied that said bridge is not in safe condition for heavily-laden teams; and, furthermore, that the bend in the road at the east end of said bridge is entirely too sudden to render it practicable for large teams, and; therefore, recommend that the sum of \$250 be incorporated in the Territorial appropriation bill, to be expended under the direction of the Territorial Road Commissioner, to reimburse Juab county in the sum of \$22 50, by them already expended thereon, and to put said bridge and road, in immediate conjunction therewith, in a safe and practicable condition.

Respectfully,

BERNARD SNOW, Chairman."

On motion of Mr. Moody, the report of the committee was accepted, and the committee on claims and appropriations were instructed to incorporate the same in the Territorial appropriation bill.

The following was received, and read:

"HON. SPEAKER AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your special committee, to whom was referred (H. F. No. 16) 'An act in relation to fish traps and fisheries,' respectfully report that they have thoroughly investigated the subject, and now present the accompanying substitute, and recommend its passage.

Very respectfully,

J. V. LONG, Chairman pro tem."

Said bill (H. F. No. 24) "An act to regulate fisheries and to prohibit fish traps in the river Jordan," was read, and,

On motion of Mr. Hatch, the report was accepted, and the bill laid on the table to come up in its order.

The following was received and read:

"COMMITTEE ROOM, Jan. 15th, 1862.

HON. SPEAKER AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee, to whom was referred back the bill defining the boundaries of counties, beg leave to report that according to your instructions, we have conferred with the committee in the Council, and find that a general bill for the establishment of county boundaries has been prepared to report; we, the Council, and your committee, wish to be discharged from the further consideration of the matter.

Respectfully,

SILAS S. SMITH."

On motion of Mr. Long, the report of the committee was received, and said committee were discharged from the further consideration of said subject.

Mr. Rockwood, chairman of committee to whom was referred (H. F. No. 15) having examined the bill as amended, reported that without the repealing clause in the first section, as originally couched in said section, the bill fails to carry out the object designed, therefore, recommended the reconsideration of the amendment, or that the bill be laid on the table for the action of some future Legislative Assembly.

On motion of Mr. Long, the report of the committee was accepted, and their recommendation to reconsider the first section of said bill was acceded to.

Resolution authorizing Daniel Carn to retain certain money, was read, and,

On motion of Mr. Rockwood, had leave to withdraw the same.

Mr. Rockwood presented, "Resolution in relation to a final settlement with Daniel Carn, ex-Warden of the Utah Penitentiary," which was read, and,

On motion of Mr. Moody, adopted.

(H. F. No. 19) "An act regulating the assessing and collecting of County, Territorial and City taxes," was taken up on its third reading, and,

On motion of Mr. Long, laid on the table till to-morrow.

(H. F. No. 18) "An act to provide for locating and opening a road west of Utah lake," was taken up on its second reading, and,

On motions, amended, and so passed its second reading.

On motions of Mr. Long, the bill passed its third reading by its title.

A message was received and read from the Council, announcing



their passage of (H. F. No. 7) "An act providing for a poll tax for road purposes," with amendments.

Said bill was read as amended, and,

On motion of Mr. Crosby, the Council amendment, in first section, line 6, was not concurred in.

A message was received and read from the Council, announcing their concurrence in "Resolution in relation to a final settlement with Daniel Carn, ex Warden of the Utah Penitentiary.

Mr. Snow, chairman of committee on roads, bridges, ferries and kanyons, to whom was recommitted "An act in relation to the Provo kanyon road," presented accompanying substitute (H. F. No. 25) "An act in relation to the Provo kanyon road," which was read, and,

On motion of Mr. Rowberry, the report was received, and the bill laid on the table to come up in its order.

On motion of Mr. Grover, the House adjourned for one hour.

2 p.m.

House assembled as per adjournment.

Roll called. Quorum present.

A message was received and read from the Council, informing the House of the concurrence of the Council in the rejection of their amendment in first section of (H. F. No. 7) "An act providing for a poll tax for road purposes."

(C. F. No. 15) "An act to incorporate the city of St. George, in Washington county," was taken up on its first reading, and,

On motion of Mr. Stout, passed.

(C. F. No. 16) "An act to incorporate the Jordan Irrigation Company," was taken up on its first reading, and,

On motion of Mr. Long, passed.

(H. F. No. 22) "An act locating the county seat of Summit county," was taken up on its second reading, and,

On motion of Mr. Stout, passed.

On motion of Mr. Long, the bill passed its third reading by its title.

(H. F. No. 23) "An act apportioning the representation of Utah Territory, was read, and,

On motion of Mr. Rowberry, passed its first reading.

On motion of Mr. Stout, (C. F. No. 15) "An act to incorporate the city of St. George," was taken up on its second reading, and,

On motion of Mr. Long, passed.

On motion of Mr. Hatch, the bill passed its third reading by its title.

On motion of Mr. Stout, (C. F. No. 16) "An act to incorporate the Jordan Irrigation Company," was taken up on its second reading by sections, and, On motions amended, and so passed.

On motion of Mr. Long, the bill passed its third reading by its title.

Bill of Henry W. Lawrence, Territorial Marshal, for services rendered and stationery furnished, amounting to \$65.75, was read, and,

On motion of Mr. Snow, was referred to the committee on claims and appropriations.

(H. F. No. 12) "An act for the establishing and regulating stray pounds, and for other purposes," was taken up on its second reading, and,

On motion of Mr. Stout, the enacting clause was stricken out.

(H. F. No. 24) "An act to regulate fisheries and to prohibit fish-traps in the river Jordan," was taken up on its first reading, and,

On motion of Mr. Stout, passed.

(H. F. No. 25) "An act in relation to the Provo kanyon road," was taken up on its first reading, and,

On motion of Mr. Stout, passed.

(H. F. No. 15) "An act repealing the several acts in relation to the Penitentiary, and for other purposes," was taken up on the reconsideration of that portion of Section 1 which was stricken out, and,

On motion of Mr. Stout, the enacting clause thereof was stricken out.

(H. F. No. 23) "An act apportioning the representation of Utah Territory," was taken up on its second reading, and,

On motions, amended, and so passed.

The bill passed its third reading by its title.

The minutes were called for, read and accepted.

On motion, the House adjourned till to-morrow at 10 a.m.

Benediction by the Chaplain.

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THURSDAY, JANUARY 16, 1862.

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COUNCIL.

COUNCIL CHAMBER, G. S. L. City,  
Jan. 16th, 1862, 11 o'clock a.m.

Council met pursuant to adjournment.  
Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:

“REPRESENTATIVES’ HALL, Jan. 15th, 1862.

HON. D. H. WELLS, President:

SIR:—The House of Representatives has this day passed the bill (H. F. No. 23) ‘An act apportioning the representation of Utah Territory,’ which is herewith submitted for your concurrent action thereon.

Respectfully,

JOHN TAYLOR, Speaker.”

The bill, as received from the House, was read, and,

On motion of Councilor Geo. A. Smith, was referred to the committee on elections, together with the bill (C. F. No. 20) “An act apportioning the representation of Utah Territory,” which was taken up for that purpose.

The following message was received from the House:

“REPRESENTATIVES’ HALL, Jan. 15th, 1862.

HON. DANIEL H. WELLS, President:

SIR:—The House of Representatives has passed the bill (H. F. No. 22) ‘An act locating the county seat of Summit county,’ which is herewith submitted for your concurrent action thereon.

The House has also passed the bill (C. F. No. 15) ‘An act to incorporate the city of St. George, in Washington county,’ which is herewith returned to be engrossed.

They have also passed your bill (C. F. No. 16) ‘An act to incorporate the Jordan Irrigation Company,’ with the following amendments, viz.: by striking out the words ‘to land’ at the end of Section 2, and inserting the words ‘which bonds shall be for the use of any person aggrieved,’ after the word ‘lake’ in the eighth line of Section 5. Do you concur in the amendments?

Respectfully,

JOHN TAYLOR, Speaker.”

The bill (H. F. No. 22) “An act locating the county seat of Summit county,” as received from the House, was read, and,

On motion of Councilor Geo. A. Smith, was referred to the committee on counties.

The amendments made by the House of Representatives to bill (C. F. No. 16) “An act to incorporate the Jordan Irrigation Company,” were considered and agreed to.

The following message was received from the House:

"The House of Representatives has this day passed the bill (H. F. No. 24) 'An act to regulate fisheries, and to prohibit fish traps in the river Jordan,' which is herewith submitted for your action thereon.

Respectfully,

JOHN TAYLOR, Speaker."

The bill, as received from the House, was read, and,

On motion of Councilor Geo. A. Smith, was referred to the committee on agriculture, trade and manufactures.

Councilor Geo. A. Smith moved, that the committee on agriculture, trade and manufactures be instructed to inquire into the propriety of making an appropriation for the introduction of fish culture in the Territory. Seconded and carried.

Councilor Carrington, in behalf of the committee on counties, made the following report:

"Your committee on counties, to whom was referred 'An act to organize Wasatch county,' respectfully report further action thereon unnecessary, said act being included in the accompanying 'Act defining the boundaries of counties, and for other purposes,' which is herewith presented and recommended to be passed.

A. CARRINGTON."

On motion of Councilor Geo. A. Smith, the report was accepted, and the bill (C. F. No. 21) "An act defining the boundaries of counties, and for other purposes" was read the first time, and,

On motion of Councilor Richards, was placed on its second reading by sections, passed its second reading, and,

On motion of Councilor Benson, the bill passed its third reading by its title, and it was ordered that the bill be sent to the House of Representatives for concurrence.

Councilor Hyde, from the committee on memorials, reported back the "Memorial to Congress for the admission of Utah into the Union as a sovereign State" amended, and so recommended its adoption. The memorial was read as amended, and,

On motion of Councilor Benson, the memorial was adopted, and it was ordered to be returned to the House for concurrence in the amendments.

Councilor Harrington, made the following report:

"The joint committee, to whom was referred the subject of the United States direct tax, have duly considered the subject, and respectfully report the accompanying bill, and recommend its passage.

Respectfully,

L. E. HARRINGTON, Chairman."



The bill accompanying said report, entitled (C. F. No. 32) "An act providing for the assessing, collecting and paying over of the quota of direct tax apportioned to the Territory of Utah by act of Congress," approved August 5, 1861, was read the first time, and,

On motion of Councilor Woodruff, passed to its second reading, and, while under consideration,

On motion of Councilor Carrington, was referred back to the same joint committee.

On motion of Councilor Benson, the House of Representatives was requested to meet the Council in joint session to-morrow at 2 p.m., in order to elect the remainder of the officers elective by the Assembly, and to attend to such other business as may be brought before them.

Councilor Woodruff, from the committee on agriculture, trade and manufactures, reported back the bill (H. F. No. 24) "An act to regulate fisheries and to prohibit fish traps in the river Jordan" amended, and so recommended its passage.

The bill was read as amended, and,

On motion of Councilor Snow, was placed on its second reading by sections.

On motion of Councilor Carrington, the bill was read the third time by its title, amended so as to read "An act to regulate fisheries and to prohibit fish traps and other contrivances for catching fish in the river Jordan," and so passed, and it was ordered that it be returned to the House for concurrence in the amendments.

The following messages were received from the House:

"REPRESENTATIVES' HALL, Jan. 16th, 1862.

HON. DANIEL H. WELLS, President:

SIR:—The House of Representatives has concurred in your amendments to their 'Memorial to Congress for the admission of Utah into the Union as a sovereign State.'

The House also concurs in your request for a joint session of the two Houses to-morrow at 2 o'clock p.m., 'to elect the remainder of officers to be elected by the Assembly, and to attend to such other business as may be brought before them.'

Respectfully,

JOHN TAYLOR, Speaker."

"REPRESENTATIVES' HALL, 16th Jan., 1862.

HON. D. H. WELLS, President:

SIR:—The House of Representatives has adopted the accompanying 'Resolution appointing a Superintendent of the Provo kan-

your road, and specifying the rate of toll to be collected thereon, and respectfully solicit your concurrence therein.

Respectfully,

JOHN TAYLOR, Speaker."

The Resolution, as received from the House, was read, and, On motion of Councilor Hess, was placed on its second reading. On motion of Councilor Geo. A. Smith, the word "Resolution," in title, was stricken out, and the words "An act" inserted in lieu thereof, and resulting alterations made in the body of the bill.

On motion of Councilor Woodruff, the bill was referred to the committee on incorporations.

Councilor Richards made the following report:

"The committee on counties, to whom was referred (H. F. No. 22), 'An act locating the county seat of Summit county,' respectfully recommend that the name 'Wanship' be substituted for the word 'Weberville,' and that the bill, so amended, be concurred in by the Council.

Respectfully,

F. D. RICHARDS, Chairman."

The bill was read as amended, and,

On motion of Councilor Geo. A. Smith, the Council voted to concur in the bill as amended, and ordered that the bill be so returned to the House, and their concurrence in the amendment solicited.

The bill (C. F. No. 17) "An act defining the judicial districts for the United States courts in the Territory of Utah," was taken up on its second reading, passed its second reading, and,

On motion of Councilor Harrington, the bill passed the third reading by its title, and it was ordered that the bill be sent to the House of Representatives for concurrence.

The bill (O. F. No. 18) "An act assigning the Chief Justice and two associate justices to their several judicial districts," was taken up on its second reading, passed its second reading, and,

On motion of Councilor Benson, the bill passed its third reading by its title, and it was ordered that the bill be sent to the House of Representatives for concurrence.

The bill (C. F. No. 19) "An act specifying the times and places of holding district courts for the transaction of Territorial business," was taken up on its second reading, passed its second reading, and,

On motion of Councilor Geo. A. Smith, the bill passed its third reading by its title, and it was ordered that the bill be sent to the House of Representatives for concurrence.

Councilor Cummings presented the following report:

"The committee on appropriations, to whom was referred (H. F. No. 18) 'An act to provide for locating and opening a road west of Utah Lake,' would most respectfully recommend that the Council do not concur in the passage of said bill, and would assign as a reason, that in their opinion there is not funds on hand that could be wisely appropriated for that purpose, as provided for in said bill.

Respectfully,  
J. W. CUMMINGS, Chairman."

On motion of Councilor Benson, the report of the committee was accepted, and it was ordered that the bill be returned to the House not concurred in.

Councilor Snow presented the following report:

"The committee on incorporations, to whom was referred the Petition of Wm. A. Hickman, in reference to a turnpike road, have thought proper to report unfavorable to the aforesaid Petition, which is herewith returned.

L. SNOW, Chairman."

Councilor Benson, chairman of committee on elections, to whom was referred the two bills apportioning the representation of Utah Territory, reported back the same, recommending the passage of the bill from the Council, and that the House bill of same nature be accordingly returned to that body without further action.

The following message was received from the House:

"REPRESENTATIVES' HALL, Jan. 16, 1862.

HON. D. H. WELLS, President:

SIR:—I have the honor to inform you that the House of Representatives has concurred in your amendments to (H. F. No. 24) 'An act to regulate fisheries and to prohibit fish traps and other contrivances for catching fish in the river Jordan.'

The House has also concurred in your amendment to (H. F. No. 22) 'An act locating the county seat of Summit county.'

Respectfully,

JOHN TAYLOR, Speaker."

The bill (C. F. No. 20) "An act apportioning the representation of Utah Territory," was placed on its second reading by sections.

The bill passed its second reading, and,

On motion of Councilor Carrington, the bill was read the third time by its title, and so passed, and it was ordered that the bill be sent to the House of Representatives for concurrence.

On motion of Councilor Carrington, the bill (H. F. No. 5) entitled "An act repealing a portion of an act in relation to the judi-

Bill," was taken up, and it was ordered that it be returned to the House not concurred in, being superseded by the bill (C. F. No. 15) "An act in relation to the compilation of the laws," etc., which has passed both Houses.

The minutes were called for, read and accepted.

On motion of Councilor Carrington, Council adjourned till tomorrow at 11 o'clock a.m.

Benediction by the Chaplain.

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## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,

Jan. 16, 1862, 10 a.m.

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

(H. F. No. 24) "An act to regulate fisheries and to prohibit fish traps in the river Jordan," was taken up on its second reading, and amended, and so passed.

On motion of Mr. Long, the bill passed its third reading by its title.

(H. F. No. 25) "An act in relation to the Provo Canyon road," was taken up on its second reading, and,

On motion of Mr. Snow, the bill was referred to a special committee of one; whereupon, the Speaker appointed Mr. Snow said special committee.

On motion of Mr. Woolley, the House adjourned till 2 p.m.

2 p.m.

House assembled as per adjournment.

Roll called. Quorum present.

The following petition was received and read:

HON. SPEAKER AND MEMBERS HOUSE REPRESENTATIVES:

GENTLEMEN:—Your petitioner would most respectfully represent that as he has been elected to the office of sealer of weights and measures, (by the joint vote of the Legislative Assembly) and there has been no appropriation made for procuring the necessary weights and measures for carrying those duties into effect, and respectfully requests that you would appropriate the sum of three



hundred dollars, or as much thereof as may be necessary for that purpose, and your petitioner, as in duty bound, will ever pray.

NATHAN DAVIS.

G. S. L. City, Jan. 16th, 1862."

On motion of Mr. Long, the committee on claims and appropriations were instructed to incorporate the sum asked for by the petitioner in the Territorial Appropriation Bill.

Mr. Snow, of the special committee to whom was referred "An act in relation to the Provo Canyon road," reported accompanying resolution as a substitute.

Said "Resolution appointing a superintendent of the Provo Canyon road, and specifying the rate of toll to be collected thereon," was read, and,

On motion of Mr. Hatch, was adopted.

Mr. Eldredge moved, that the committee on petitions and memorials be instructed to draft a petition memorializing Congress to remit that portion of the direct tax apportioned to the Territory of Utah in the act of Congress, approved Aug. 5, 1861. Seconded and carried.

The committee on claims and appropriations were instructed, by vote of the House, to incorporate the claims of Thomas Bullock for services, copying records, journals, etc., for the Legislative Assembly of 1859-60, also of 1860-61.

The following was received and read:

"COUNCIL CHAMBER, Jan. 16, 1862.

HON. JOHN TAYLOR, Speaker:

Your 'Memorial to Congress for the admission of Utah into the Union as a sovereign State' has been concurred in by the Council with amendments, in which your concurrence is requested.

The House of Representatives are requested by the Council to meet them at two o'clock p.m. to-morrow in joint session, to elect the remainder of officers to be elected by the Assembly, and to attend to such other business as may be brought before them.

Respectfully,

D. H. WELLS, President.

T. W. Ellerbeck, Secretary."

Said "Memorial to Congress for the admission of Utah into the Union as a sovereign State," was read as amended, and,

On motion of Mr. Snow, the House concurred in the amendments.

On motion of Mr. Midgley, the House concurred in the wishes of the Council for joint session.

On motion of Mr. Long, the House took a recess for half an hour.

House re-assembled and called to order by the Speaker.

The following message was received from the Council:

"The amendments made by the House to the bill (C. F. No. 16) 'An act to incorporate the Jordan Irrigation Company,' have been concurred in by the Council.

The accompanying bill (C. F. No. 21) 'An act defining the boundaries of counties and for other purposes,' having passed the Council, is now forwarded for your action."

Said bill (C. F. No. 21) "An act defining the boundaries of counties and for other purposes," was read, and,

On motion of Mr. Moody, passed its first reading.

The following message was received from the Council and read:

"Your bill (H. F. No. 24) has been concurred in by the Council with amendments in the body of the bill, and in the title, which is made to read, 'An act to regulate fisheries, and to prohibit fish traps and other contrivances for catching fish in the river Jordan,' and is now forwarded for concurrence of the House in those amendments."

Said bill was read as amended, and,

On motion of Mr. Long, the amendments were concurred in.

The following message from the Council was received and read:

"Your bill (H. F. No. 22) 'An act locating the county seat of Summit county' has been concurred in by the Council, with the amendment substituting the word 'Wanship' in lieu of Weberville, in which you are respectfully solicited to concur."

Said bill was read as amended, and,

On motion of Mr. Rhoads, the amendment was concurred in.

The following report was received and read:

"COMMITTEE ROOM, Jan. 16th, 1889.

HON. SPEAKER AND MEMBERS OF HOUSE OF REPRESENTATIVES:

GENTLEMEN:—The Territorial Road Commissioner's report referred to the committee on claims has been duly examined, and we find there is a balance still due of \$1175 for the building of the Weber Bridge. This sum your committee respectfully recommend be included in the Territorial Appropriation Bill.

Also we find that Daniel H. Wells, Esq., has expended the sum of \$7,894.25 over and above the appropriations made by the Territory of Utah and Great Salt Lake County, on the Great Salt Lake and Weber road.

The Territorial Road Commissioner recommends that an appro-

priation be made to said D. H. Wells, Esq. Your committee endorse his recommendation, and respectfully suggest that the sum of three thousand dollars be included in the Territorial Appropriation Bill to reimburse D. H. Wells in part for the means expended in building said road, etc.

H. B. CLAWSON,  
Chairman Committee on Claims."

On motion of Mr. West, the report of the committee was received, and their recommendations adopted.

Mr. Young moved, that the Speaker appoint a special committee to wait upon the Secretary of the Territory, and inquire if he is prepared to pay the balance of per diem due members of the Legislative Assembly, under the administration of Secretary Hartnett, for the session of 1858-9; and also to inquire whether he is prepared to pay the members their per diem and mileage for the special session called by the Gov. Cumming in November, 1860. Seconded and carried.

Messrs. Young, West and Woolley were appointed said special committee by the Speaker.

The minutes were called for, read and accepted.

On motion of Mr. Rowberry, the House adjourned till tomorrow at 10 a.m.

Benediction by the Chaplain.

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FRIDAY, JANUARY 17, 1862.

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COUNCIL.

COUNCIL CHAMBER, G. S. L. City, }  
Jan. 17th, 1862, 11 o'clock a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received and read:

"EXECUTIVE OFFICE, G. S. L. City,  
Jan. 16, 1862.

HON. D. H. WELLS, President:

HON. JOHN TAYLOR, Speaker:

GENTLEMEN:—The following have been approved:

1. An act in relation to the Superintendents of Public Schools.

2. An act repealing an act incorporating the city of Palmyra and certain sections of other acts herein named.
3. An act locating the county seat of Juab county.
4. An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, and embodying certain amendments.
5. Resolution in relation to a final settlement with Daniel Carn, ex-warden of the Utah Penitentiary.
6. An act in relation to attachments and garnishments.
7. An act providing for a poll tax for road purposes.

Respectfully,

FRANK FULLER, Acting Governor."

The following message was received from the House:

"The House of Representatives have appointed Messrs. Young, West and Woolley, a joint committee to act in conjunction with a like committee from the Council, to draft a statement setting forth the facts in relation to the extra session of the Legislative Assembly, called by Gov. Cumming in November, 1860, and present the same to the Hon. Secretary with the request that he forward it, with such other evidence as he may have in his office, to the proper department at Washington, and to solicit the payment of the mileage and per diem of the members and officers of that session."

On motion of Councilor Benson, the Council agreed to the action of the House, and the President appointed Councilors Benson and Richards to that committee on the part of the Council.

Councilor Harrington, chairman of joint committee to whom was referred the bill (C. F. No. 22) "An act providing for the assessing," etc., of the United States direct tax, reported back the bill amended, and the title to read "An act assuming the quota of the direct tax apportioned to the Territory of Utah by act of Congress, approved Aug. 5, 1861," and so recommended its passage.

The bill was read as amended, and

On motion of Councilor Woodruff, the bill was placed on its second reading.

The bill passed its second reading, and

On motion of Councilor Richards, the bill was read the third time by its title, and so passed, and it was ordered that it be sent to the House for concurrence.

The following message was received from the House:

"The House of Representatives has this day passed the bill (C. F. No. 19) 'An act in relation to Territorial, County and City', which is herewith submitted for your action thereon."



The bill as received from the House was read, and was passed to its second reading.

The following message was received from the House:

"The House of Representatives has passed your bill (C. F. No. 21) 'An act defining the boundaries of counties and for other purposes,' and the same is herewith returned to be engrossed."

Councilor Cummings made the following report:

"The committee on incorporations, to whom was referred the bill (H. F. No. 25) entitled 'An act appointing a superintendent of the Provo Kanyon road and specifying the rates of toll to be collected thereon,' report back the bill amended, and recommend its passage."

The bill was read as amended, and,

On motion of Councilor Carrington, the Council voted to concur with the House in the passage of the bill, and ordered it to be so returned to the House for concurrence in the amendments.

The bill (H. F. No. 19) "An act in relation to Territorial, County and City Taxes," was taken up on its second reading. Passed its second reading, and,

On motion of Councilor Spencer, the bill was read the third time by its title, passed, and it was ordered to be so returned to the House.

The following message was received from the House:

"The House of Representatives has passed your bill entitled (C. F. No. 17) 'An act defining the judicial districts for the United States Courts in the Territory of Utah,'"

The House has also passed the following (C. F. No. 18) 'An act assigning the Chief Justice and two Associate Justices to their several districts,'"

(C. F. No. 19) 'An act specifying the times and places of holding District Courts for the transaction of territorial business,'"

(C. F. No. 20) 'An act apportioning the representation of Utah Territory,' all of which are herewith returned to be engrossed.

The House has also passed (C. F. No. 22) 'An act assuming the quota of the direct tax apportioned to the Territory of Utah by act of Congress, approved August 5th, 1861,' with one amendment, viz., inserting the word 'acting' before 'governor,' in the eight line of said bill. Do you concur?"

The Council voted not to concur in the amendment of the House to the bill (C. F. No. 22) "An act assuming the quota of the direct tax," etc., and the House were notified accordingly, and requested to accede to the original wording of the bill.

Councilor Woodruff, chairman of the committee on agriculture,

trade and manufactures, reported that the committee had had the subject of fish culture, which was referred to them, under consideration, and had matured no action in relation thereto.

On motion of Councilor George A. Smith, the committee was requested to further consider the subject, and to report during next session of the Assembly.

The Council now adjourned to meet the House in joint session.

Council having resumed its session,

The following message was received from the House:

"The House of Representatives has reconsidered (C. F. No. 22) 'An act assuming the quota of the direct tax,' etc., and concurred in the bill as originally worded.

The House has also concurred in your amendments to 'An act appointing a superintendent of the Provo Kanyon road, and specifying the rate of toll to be collected thereon.'

The following message was received from the House:

"The House of Representatives has this day adopted the accompanying 'Memorial to Congress to remit the direct tax apportioned to Utah Territory,' which is now forwarded for your concurrence."

The memorial was read, and,

On motion of Councilor Hyde, was adopted, and so returned to the House.

Councilor Cummings, chairman of the committee on appropriations, presented General Appropriation Bill, which was read, and,

On motion of Councilor Carrington, was read the second time.

On motion of Councilor Spencer, the bill passed its third reading by its title, and was sent to the House of Representatives for concurrence.

The following message was received from the House:

"The House of Representatives has passed the bill (H. F. No. 6) 'An act to provide for locating a road west of Utah lake,' and the same is herewith forwarded for your action thereon."

The bill as received from the House was read, and,

On motion of Councilor Geo. A. Smith, the bill was negatived, and it was ordered that it be so returned to the House.

On motion of Councilor Carrington, Council adjourned till 6 p.m.

Council met according to adjournment.

Roll called. Quorum present.

The following communications were received and read:

"EXECUTIVE DEPARTMENT, G. S. L. City,  
Jan. 17th, 1862.

HON. D. H. WELLS, President:

HON. JOHN TAYLOR, Speaker:

GENTLEMEN:—I have approved the memorial to Congress for the admission of the Territory of Utah into the Union, appending to the same the following explanation:

'As it appears to me to be contrary to the best usage to submit a memorial to Congress for the purpose herein indicated, without an accompanying Constitution, or at least an allusion to such an instrument previously submitted, to afford a basis for Congressional action, I am compelled to view this memorial in the light of an application for authority to take the initiatory steps preparatory to admission as a sovereign State, which would be the formation of a State Constitution, and accordingly declare the same approved.' "

Respectfully,

FRANK FULLER, Acting Governor."

"EXECUTIVE DEPARTMENT, G. S. L. City,  
Jan. 17th, 1862,

HON. D. H. WELLS, President:

HON. JOHN TAYLOR, Speaker:

"The following bills have this day received Executive approval:

1. An act to incorporate the city of St. George, in Washington county.
2. An act to incorporate the Jordan Irrigation Company.
3. An act to regulate fisheries and to prohibit fish-traps and other contrivances for catching fish in the river Jordan.
4. An act locating the county seat of Summit county.
5. An act assuming the quota of the direct tax apportioned to the Territory of Utah by act of Congress, approved Aug. 5, 1861.
6. An act apportioning the representation of Utah Territory.
7. An act specifying the times and places of holding District courts for the transaction of Territorial business.
8. An act defining the judicial districts for the United States' courts in the Territory of Utah.
9. An act assigning the Chief Justice and two Associate Justices to their several judicial districts."

Respectfully,

FRANK FULLER, Acting Governor."

The following message was received from the House:

"The House of Representatives has concurred in your 'General Appropriation Bill,' which is herewith returned to be engrossed.

The House has also passed the inclosed 'Territorial Appropriation Bill,' which is now submitted for your action thereon."

The Territorial Appropriation Bill as received from the House was read, and,

On motion of Councilor Cummings, was passed to its second reading, and the bill was amended by striking out therefrom or amending the following appropriations, to wit:

\$2,000 for a road in Washington county was stricken out.

\$1,000 for improving Weber Canyon road was stricken out.

\$5,000 for Penitentiary purposes was amended to read \$1,500 for that purpose.

\$125 for Territorial Library was stricken out.

\$1,000 for improving road at "Point of Mountain" was stricken out.

\$200 for Sevier bridge was amended to read \$122.50 for that purpose.

\$500 for a road from St. George to Grafton, in Washington county, was stricken out.

\$500 to repair the Provo bridge was stricken out.

\$500 to Territorial Surveyor amended to read \$300.

\$350 to repair State road in Beaver county was stricken out.

On motion of Councilor Geo. A. Smith, the sum of \$24 was added to the bill to be paid to T. Bullock for services during this session, and the sum of \$16 was added to the bill to be paid to John Jacques for services during this session.

On motion of Councilor Hyde, the bill passed its third reading by its title, and was referred to the House for concurrence in the amendments.

The following message was received from the House:

"The House of Representatives has passed the bill (H. R. No. 27) 'An act amendatory to an act amending an act prescribing the manner of assessing and collecting Territorial and County taxes,' and the same is herewith submitted for your action thereon."

The bill as received from the House was read, and,

On motion of Councilor Benson, was amended, and the title amended to read "An act in relation to the manner of assessing and collecting Territorial taxes."

The bill was so concurred in, and it was ordered that the bill be so returned to the House, and their concurrence in the amendments solicited.

The following message was received from the House:

"The House of Representatives have re-considered their action



on 'An act in relation to Territorial, County and City taxes,' and have amended the same.

The act as amended is respectfully submitted for your concurrent action thereon.

The bill was read as amended, and,

On motion of Councilor Hess, the Council concurred in the amendments to said bill; so the bill passed, and it was ordered that the bill be so returned to the House to be engrossed.

The following message was received from the House:

"The House of Representatives has concurred in your amendments to their 'Territorial Appropriation Bill,' and have further amended said bill by adding the following, viz.:

To Robert L. Campbell, for services engrossing laws of the present session \$12 00

If you concur, the bill will be immediately placed in the hands of the engrossing clerk."

On motion of Councilor Hyde, the amendment made by the House to the Territorial Appropriation Bill was concurred in, and the House notified accordingly.

Councilor Harrington presented "Resolution convening the Legislative Assembly," which was read, and,

On motion of Councilor Geo. A. Smith, was adopted and ordered to be sent to the House for concurrence.

The following message was received from the House:

"The House of Representatives has passed the accompanying bill (H. F. No. 28) 'An act to modify the charters of Great Salt Lake and Ogden cities,' which is respectfully submitted for the action of the Council thereon.

The House concurs in your amendments to (H. F. No. 27) 'An act in relation to the manner of assessing and collecting Territorial taxes.'"

The bill (H. F. No. 28) was read as received from the House, and,

On motion of Councilor Geo. A. Smith, the bill was concurred in, and ordered to be so returned to the House.

The following message was received from the House:

"The House of Representatives has concurred in your 'Resolution convening the Legislative Assembly,' and the same is herewith returned to be engrossed."

Councilor Richards presented "Resolution relating to the publishing of the laws and the distribution of the laws and journals of the present session," which was read, and,

On motion of Councilor Benson, the resolution was adopted, and it was ordered that the same be sent to the House of Representatives for concurrence.

The following message was received from the House:

"The House of Representatives has concurred in your Resolution relating to the publishing of the laws and the distribution of the laws and journals of the present session, and the same is herewith returned to be engrossed."

On motion of Councilor Benson, the Council notified the House that there was no more business before them, and, if the table of the House was cleared, solicited their concurrent action in appointing a joint committee to wait upon the Governor and inform him that there being no more business before them, they know of no reason why they should not now adjourn, and to ask if he has any further communication to make to them.

Councilor Hyde moved, "That the honorable President of this Council, Daniel H. Wells, is justly entitled to the thanks of this House for the firm, dignified, and able manner in which he has discharged the duties of his office; and likewise for his kind, familiar and courteous deportment towards all the members of the same during the present session."

The motion was seconded and unanimously carried.

The following message was received from the House:

"The House of Representatives having no business on their table, they have concurred in appointing a joint committee to wait upon the Governor for the purpose specified in your communication, and have appointed Messrs. Clawson, Woolley and Maughan to act in conjunction with the Council committee for the purpose named."

On motion of Councilor Hess, Councilors Benson and Woodruff were appointed to said joint committee on the part of the Council.

The following communication was received and read:

"EXECUTIVE DEPARTMENT, G. S. L. City,  
Jan. 17th, 1862.

HON. DANIEL H. WELLS, President:

HON. JOHN TAYLOR, Speaker:

GENTLEMEN:—The following have been approved:

1. An act appointing a superintendent for the Provo Canyon road, and specifying the rate of toll to be collected thereon.
2. An act defining the boundaries of counties and for other purposes.
3. General Appropriation Bill.
4. Memorial to Congress to remit the direct tax.

5. Resolution convening the Legislative Assembly.
6. An act in relation to Territorial, County and City taxes.
7. An act to modify the charters of Great Salt Lake and Ogden cities.
8. An act in relation to the manner of assessing and collecting Territorial taxes.
9. Resolution relating to the publishing of the laws and distribution of the laws and journals of the present session."

Respectfully,

FRANK FULLER, Acting Governor."

The following communication was received and read:

"HON. DANIEL H. WELLS, President:

HON. JOHN TAYLOR, Speaker:

GENTLEMEN:—The Territorial Appropriation Bill is approved.

Respectfully,

FRANK FULLER, Acting Governor."

Councilor Benson, in behalf of the joint committee of the two Houses, reported that the committee had waited upon the Governor, agreeably to their instructions, who had courteously informed them that he had no further official communication to make to the Assembly at this session, whereupon,

The minutes being called for, were read and accepted; and,

On motion of Councilor Hyde, the Council adjourned to meet in accordance with resolution convening Legislative Assembly.

Benediction by the Chaplain.

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## JOINT SESSION.

REPRESENTATIVES' HALL, G. S. L. City, }  
Jan. 17th, 1862, 2 p. m. }

The two Houses met in joint session according to previous agreement.

The President of the Council presiding.

The Secretary of the Council called the roll of the Council.

Quorum present.

The Chief Clerk called the roll of the House.

Quorum present.

Prayer by the Chaplain of the Council.

On motion of Councilor Benson, John W. Witt was elected Probate Judge of Wasatch county.

On motion of Mr. Thompson, James McNaughton was elected Notary Public for Wahsatch county.

On motion of Mr. West, Charles Peterson was elected Probate Judge of Morgan county.

On motion of Mr. Farr, Isaac Bowman was elected Notary Public for Morgan county.

On motion of Councilor Benson, Robert L. Campbell was elected Superintendent of Common Schools.

On motion of Councilor Woodruff, James W. Cummings was elected Superintendent of Provo Canyon road.

Mr. Crosby presented the following joint resolution complimenting and approving the official acts of Honorable Frank Fuller, Secretary and Acting Governor of Utah, which was read, and,

On motion of Mr. Snow, was adopted, and ordered to be spread on the journal, to wit:

*"Joint Resolution complimenting and approving the official acts of the Honorable Frank Fuller, Secretary and Acting Governor of Utah:*

*Be it resolved by the Legislative Assembly in Joint Session assembled: That we highly approve of the sober, industrious habits and gentlemanly deportment of the Honorable Frank Fuller, and,*

*Be it further resolved, That we fully appreciate the just and impartial discharge of his official duties, as Secretary and Acting Governor of this Territory, and that his agreeable manners and liberal sentiments merit the esteem, not only of this Legislative Assembly, but of our citizens generally."*

On motion of Mr. Long, the joint session dissolved.

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## HOUSE.

REPRESENTATIVES' HALL, G. S. L. City,  
Jan. 17, 1862, 10 a.m. }

The House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message from the Council was received and read:

"COUNCIL CHAMBER, Jan. 16, 1862.

H. JOHN TAYLOR, Speaker:

—The following bills have passed the Council, and are now for the action of your honorable body, to wit:



(C. F. No. 17) 'An act defining the judicial districts for the United States Courts for the Territory of Utah.'

(C. F. No. 18) 'An act assigning the Chief-Justice and two associate justices to their several districts.'

(C. F. No. 19) 'An act specifying the times and places of holding district courts for the transaction of Territorial business.'

Your bill (H. F. No. 18) 'An act to provide for locating and opening a road west of Utah Lake,' is herewith returned, being negatived by the Council.

Very respectfully,

DANIEL H. WELLS, President."

(C. F. No. 17) "An act defining the judicial districts for the United States courts in the Territory of Utah," was taken up on its first reading, and,

On motion of Mr. Thompson, passed.

(C. F. No. 18) "An act assigning the Chief-Justice and two associate justices to their several districts," was taken up on its first reading, and,

On motion of Mr. Callister, passed.

(C. F. No. 19) "An act specifying the times and places of holding district courts for the transaction of Territorial business," was taken up on its first reading, and,

On motion of Mr. Grover, passed.

The following message from the Council was received and read:

"The accompanying bill (C. F. No. 20) "An act apportioning the representation of Utah Territory," having passed the Council, is now submitted for the action of the House; and your bill (H. F. No. 23) of same nature, is accordingly returned to the House without further action of Council thereon."

(C. F. No. 20) "An act apportioning the representation of Utah Territory," was taken up on its first reading, and,

On motion of Mr. Thompson, passed.

The following report was received and read:

"COMMITTEE ROOM, Jan. 17, 1862.

#### THE HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your special committee have conferred with Mr. Secretary Fuller in relation to the subject referred to them by the vote of yesterday, and they would respectfully recommend that a committee be appointed, to act in conjunction with a like committee from the Council, to draft a statement setting forth the facts in relation to the extra session of the Legislative Assembly, called by Gov. Cumming in November, 1860, and present the same to the Hon. Secretary, with the request that he forward it, with such other

evidence as he may have in his office, to the proper department at Washington, and to solicit the payment of the mileage and per diem of the members and officers of that session.

The Hon. Secretary thinks there will be no difficulty in collecting the full amount of per diem of those members who did not receive any for the session of 1858-9, but those who did receive part payment, though under protest, would find great difficulty in getting Mr. Hartnett's decision overruled, and the full amount of their claims paid. He said he would, however, favorably represent the matter to the proper department.

JOS. A. YOUNG, Chairman."

On motion of Mr. Moody, the report of the committee was received, and their recommendation adopted.

The Speaker appointed the same committee to act in behalf of the House.

The following report was received and read:

"COMMITTEE ROOM, Jan. 17, 1862.

HON. SPEAKER AND MEMBERS HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your committee, to whom was referred the claim of Theodore McKean, for services as Territorial Road Commissioner, beg leave to report that having duly examined said claim, are satisfied that the services, as set forth in the bill, were performed by the persons herein named, and your committee respectfully recommend that the sum of \$341 50 be appropriated as follows:

To Theodore McKean, for services as Territorial Road Commissioner	\$303 50
To Jesse W. Fox, for surveying, as per bill	30 00
" A. Williams, for services, as per bill	6 00
" E. Eldridge, for services, as per bill	2 00
	<hr/> \$341 50

And that the same be included in the Territorial appropriation bill.

Respectfully,

H. B. CLAWSON, Chairman."

On motion of Mr. Long, the report was received, and the recommendation of the committee adopted.

(H. F. No. 19) "An act regulating the assessing and collecting County, Territorial and City taxes, was taken up and read.

Mr. Stout presented amendments to sections one, two, three and four, which,

On motion of Mr. Long, were adopted.

Mr. Stout moved, that the title of said bill be amended so as to

read "An act in relation to Territorial, County and City taxes," seconded and carried.

Mr. Clawson presented bill of Alex. McRae, for supplies furnished to the Penitentiary, amounting to \$50, which was read, and,

On motion of Mr. Maughan, the committee on claims and appropriations were instructed to include the same in the Territorial appropriation bill.

The following message from the Council was received and read:

"The Council has not concurred in (H. F. No. 5) 'An act repealing a portion of an act in relation to the judiciary,' it being superseded by a clause in the 'Compilation act,' and the same is herewith returned to your honorable body."

(H. F. No. 12) "An act in relation to Territorial, County and City taxes," was taken up on its third reading, and,

On motion of Mr. Stout, passed.

The bill was read by its title, and so passed.

(C. F. No. 21) "An act defining the boundaries of counties, and for other purposes" was taken up on its second reading, and,

On motion of Mr. Long, passed its second reading.

On motion of Mr. Stout, the bill passed its third reading.

The bill was read by its title, and so passed.

(C. F. No. 17) "An act defining the judicial districts for the United States courts in the Territory of Utah," was taken up on its second reading, and,

On motion of Mr. Grover, passed.

On motion of Mr. Holbrook, said bill passed its third reading by its title.

The title was read and approved.

(C. F. No. 18) "An act assigning the Chief-Justice and two associate justices to their several districts," was taken up on its second reading, and,

On motion of Mr. Thompson, passed.

On motion of Mr. Holbrook, the bill passed its third reading by its title.

The title was read and approved.

(C. F. No. 19) "An act specifying the times and places of holding district courts for the transaction of Territorial business," was taken up on its second reading, and,

On motion of Mr. Grover, passed.

On motion of Mr. Snow, said bill was read by its title, and so passed.

The title was read and approved.

(C. F. No. 23) "An act apportioning the representation of Utah Territory," was taken up on its second reading, and,

On motion of Mr. Maughan, passed.

On motion of Mr. Stout, said bill passed its third reading by its title.

The title of said bill was read and approved.

The following message was received and read:

"The Council has agreed to the action of the House appointing a joint committee for the purpose specified in your message in relation to the extra session of 1860, and Councilors Benson and Richards are appointed to that committee on the part of the Council.

The Council has passed the accompanying bill (C. F. No. 22) entitled 'An act assuming the quota of the direct tax apportioned to the Territory of Utah,' by act of Congress approved August 5, 1861, which is respectfully submitted for your concurrence."

Said bill (C. F. No. 22) "An act assuming the quota of the direct tax apportioned to the Territory of Utah," by act of Congress approved August 5, 1861, was taken up on its first reading, and,

On motion of Mr. Midgley, passed.

On motion of Mr. Grover, said bill was taken up on its second reading, and,

On motion of Mr. Stout, the word "acting" was inserted before the word "Governor" in the eighth line of said bill.

On motion of Mr. Moody, said bill passed its second reading as amended.

On motion of Mr. Stout, said bill passed its third reading by its title.

The title was read and approved.

The minutes were called for, read and accepted.

On motion, the House adjourned till 2 p.m.

2 p.m.

House met as per adjournment.

Roll called. Quorum present.

The following message was received and read:

"Your bill (H. F. No. 19) 'An act in relation to Territorial, County and City taxes,' having been concurred in by the Council, is herewith returned to be engrossed.

Your amendment to the bill (C. F. No. 22) 'An act assuming the quota of the direct tax,' etc., has been negatived by the Council, and your honorable body is requested to accede to the original wording of the bill, which is herewith returned."

On motion of Mr. Stout, the House concurred in the action of



the Council in (C. F. No. 22) "An act assuming the quota of the direct tax," etc.

The following message was received and read:

"Your bill entitled 'An act appointing a Superintendent of the Provo kanyon road, and specifying the rate of toll to be collected thereon,' has been concurred in by the Council, with amendments, in which your concurrence is solicited. The bill is herewith returned."

On motion of Mr. Long, the House concurred with the action of the Council on said bill.

Mr. Young, chairman of committee on petitions and memorials, presented "Memorial to Congress to remit the direct tax apportioned to Utah Territory," which was read, and,

On motion of Mr. Farr, adopted.

Mr. Clawson, chairman of committee on claims and appropriations, to whom was referred the claim of Henry W. Lawrence, as Territorial Marshal, as per bill rendered, amounting to \$65 75, reported adversely thereon.

On motion of Mr. Stout, the report of the committee was accepted. The House went into joint session.

*(See Joint Session minutes.)*

Upon dissolution of the joint session, the House resumed its sitting.

Mr. Clawson presented, "General appropriation bill," which was read, and,

On motion of Mr. Stout, passed its first reading.

Mr. Moody presented,

H. F. No. 26 "An act to provide for locating a road west of Utah lake," which was read, and,

On motion of Mr. Long, passed its first reading.

The "General appropriation bill" was taken up on its second reading, and,

On motion of Mr. Rowberry, passed.

(H. F. No. 26) "An act to provide for locating a road west of Utah lake," was taken up on its second reading, and,

On motions of Messrs. Thompson and Rockwood, amended.

On motion of Mr. Long, the bill passed its second reading as amended.

On motion of Mr. Moody, the bill passed its third reading by its title.

A message was received from the Council, and read, informing the House of their concurrence in "Memorial to Congress to remit the direct tax apportioned to Utah Territory."

The "General appropriation bill" was taken up on its third reading, and,

On motion of Mr. Rockwood, passed.

The title of said bill was read and approved.

Mr. Clawson, chairman of committee on claims and appropriations, presented, "Territorial appropriation bill," which was read, and,

On motion of Mr. Rockwood, passed its first reading.

On motion of Mr. Woolley, said bill was taken up on its second reading, and,

On motion of Mr. Long, passed its second reading.

A message was received from the Council, and read, informing the House of their action negating (H. F. No. 26) "An act to provide for locating a road west of Utah lake."

Another message was received from the Council, announcing the passage of their "General appropriation bill."

On motion of Mr. Stout, the House concurred with the action of the Council in their "General appropriation bill."

The "Territorial appropriation bill" was taken up on its third reading, and,

On motion of Mr. Rockwood, passed.

The minutes were called for, read and accepted.

On motion, the House adjourned till 7 p.m.

7 p.m.

House reassembled as per adjournment.

Roll called. Quorum present.

Messages from his honor Frank Fuller, acting Governor, addressed respectively to their honors the President of the Council and Speaker of the House, were received and read, informing the Assembly of his favorable action upon the bills therein named.

Mr. West presented,

(H. F. No. 27) "An act amendatory to an act amending an act prescribing the manner of assessing and collecting Territorial and County taxes," which was read, and,

On motion of Mr. Maughan, passed its first reading.

On motion of Mr. Crosby, said bill was taken up on its second reading, and,

On motion of Mr. Young, passed.

On motion of Mr. Maughan, said bill passed its third reading by title.

The following report was read:

“HON. SPEAKER AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Your special joint committee, appointed to dispose of all redeemed Auditor's warrants issued during the first seven years of our Territorial existence, have discharged that duty by destroying said redeemed Auditors's warrants, and thereby cleared out the secretaries of this cumbersome accumulation of waste paper, and respectfully recommend that this business be hereafter attended to annually.

J. V. LONG, of the Joint Committee.”

On motion of Mr. Midgley, the report was accepted.

On motion of M. Long, the bill (H. F. No. 19) “An act in relation to Territorial, County and City taxes,” was reconsidered, and,

On motions of Messrs. Woolley and Long, amendments thereto were inserted.

On motion of Mr. Maughan, the bill passed as amended.

Mr. Young presented,

(H. F. No. 28) “An act to modify the charters of Great Salt Lake and Ogden cities,” which was read, and,

On motion of Mr. Thompson, passed its first reading.

Said bill was taken up on its second reading, and,

On motion of Mr. Young, passed.

Mr. Long, chairman of committee on engrossing, recommended that the sum of \$12 be incorporated in the Territorial appropriation bill to Robert L. Campbell, for services rendered as engrossing clerk.

On motion of Mr. Moody, the committee on claims and appropriations were instructed accordingly.

The following message from the Council was received and read:

“COUNCIL CHAMBER, Jan. 17, 1862.

HON. JOHN TAYLOR, Speaker:

SIR:—Your ‘Territorial appropriation bill’ is concurred in by the Council, with the following amendments to the sums specified, to wit:—

\$2,000 for a road in Washington county is stricken out.

\$1,000 for improving Weber kanyon road is stricken out.

\$5,000 for Penitentiary purposes is made to read \$1,500.

\$125 for library purposes is stricken out.

\$1,000 for a road at Point of the Mountain is stricken out.

\$250 for Sevier bridge is amended to read \$122 50.

\$500 for a road near St George is stricken out.

\$500 for repairs of Provo bridge is stricken out.

\$500 for Territorial Surveyor is made to read \$300, and 'up to date' stricken out.

\$350 for repairs to State road in Beaver county is stricken out. And the sums of \$24 and \$16 are appropriated to Thomas Bullock and John Jaques for the services specified.

The concurrence of the House in the foregoing amendments is respectfully solicited.

DANIEL H. WELLS, President."

Said 'Territorial appropriation bill' was read as amended, and, On motion of Mr. West, the House concurred in the action of the Council upon said bill.

On motion of Mr. Young, (H. F. No. 28) "An act to modify the charters of Great Salt Lake and Ogden cities," was taken up on its third reading, and,

On motion of Mr. Long, passed.

Said bill was read by its title, and so passed.

The following message from the Council was received and read:

"The Council has concurred in your amendments to (H. F. No. 19) 'An act in relation to Territorial, County and City taxes,' and respectfully return the same to be engrossed.

The Council has concurred in (H. F. No. 27) 'An act amendatory to an act amending an act prescribing the manner of assessing and collecting Territorial and County taxes,' with amendments, and the title to read, 'An act in relation to the manner of assessing and collecting Territorial taxes.' Your concurrence in the amendments to which, is respectfully solicited."

Said bill was read as amended, and,

On motion of Mr. Woolley, the House concurred in the amendments made by the Council.

A message was received from the Council and read, announcing their concurrence in (H. F. No. 28) "An act to modify the charters of Great Salt Lake and Ogden cities."

Another message was received from the Council and read, informing the House of their adoption of "Resolution convening the Legislative Assembly."

Said Resolution, convening the Legislative Assembly, was read, and,

On motion of Mr. Thurber, the House concurred in the adoption hereof.

Mr. Snow presented the following:

*Resolved*, That we highly appreciate the candid, courteous and impartial manner, in which the Speaker has discharged his duties



during this Session of the Legislative Assembly; and, therefore, tender that which he so richly deserves, our humble thanks, accompanied with our earnest wishes for his future prosperity and welfare."

On motion of Mr. Moody, said Resolution was adopted.

A message was received from the Council, inclosing "Resolution relating to the publishing of the laws and the distribution of the laws and journals of the present session," and informing the House of their adoption thereof.

Said Resolution was read, and,

On motion of Mr. Thompson, the House concurred with the action of the Council thereon.

The following communication was received from the Council and read:

"COUNCIL CHAMBER, Jan. 17, 1862.

HON. JOHN TAYLOR, Speaker:

SIR:—The Council, having no more business before them, would be pleased to know if the table of the House is cleared; and if so, solicits the concurrent action of the House in appointing a joint committee to wait upon the Governor, and inform him that there being no more business before the Legislature, they know of no reason why they should not now adjourn, and to ask if he has any further communication to make to them. Councilors Benson and Woodruff are appointed to that committee on the part of the Council.

DANIEL H. WELLS, President."

On motion of Mr. Moody, the House concurred in the suggestions of the Council.

The Speaker appointed Messrs. Clawson, Woolley and Maughan to act, in behalf of the House, with said committee appointed by Council.

Mr. Clawson, in behalf of joint committee from the House, reported, that in conjunction with a like committee from the Council, they had waited upon his Excellency, who informed them that he had no further business to present to the Assembly.

Said committee also presented a communication from his Excellency, addressed to their honors the President of the Council and Speaker of the House of Representatives, communicating his favorable action on bills therein named.

Mr. Clawson, in behalf of said committee, further reported that he was desired by his Excellency, the Governor, to express his thanks to the Hon. Speaker and Members of the House and the

Committees, for their uniform kindness and good feelings manifested towards him in his official capacity during the session.

The minutes were called for, read and accepted.

On motion of Mr. Woolley, the House adjourned till the second Monday in December.

Benediction by Mr. Woolley.